

LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT

THE SEVERAL SESSIONS OF THE GENERAL COURT

HOLDEN IN BOSTON.

BEGINNING 31st MAY, 1809, AND ENDING ON THE 29th FEBRUARY, 1812.

Published agreeably to Resolves passed 20th January, 1808, and
16th January, 1812



VOL. V.

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1812.

COMMONWEALTH OF MASSACHUSETTS.

.....

Secretary's office, 12th May 1812.

I hereby certify that, agreeably to the direction of the Legislature expressed in their resolve of the 16th January last, I have carefully examined and collated that part of the printed copies of the Laws, comprising the fifth volume, included within the 30th May, 1810, and 1st March, 1812, with the original acts passed by the General Court, and find them correct.

Attest,

BENJAMIN HOMANS,

Secretary of the Commonwealth.

LAWS

PASSED AT THE SESSION, COMMENCED ON THE
THIRTY-FIRST OF MAY,

ONE THOUSAND EIGHT HUNDRED AND NINE.

CHAP. I.

An Act incorporating the First Congregational Society in
the town of Tyrringham.

SECT. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Adonijah Bidwell, Azariah Orton, Eli Picket, John Rewce, John Jackson, Ebenezer Jackson, Ebenezer Chadwick, Benjamin Griffin, Ebenezer Rewce, John Heath, Elisha Taylor, Alvan Taylor, Lystra Taylor, Elijah Fowler, Zadock Rewce, Josiah Brewer, jun. Roswell Richards, Miller Peck, Benjamin Warren, jun. Isaac Brewer, Jonas Brewer, Joseph Chapin, Josiah Hale, Nathan Hale, Lemuel Townshend, Josiah Brewer, Daniel Brewer, Nathan Merriam, Joshua Brewer, John Brewer, John Langdon, Amasa Curtis, Darius Stebbens, Charles Jackson, Jesse Langdon, Zebina Curtis, Salathiel Hale, Isaac Harmon, Noah Allen, Abigail Hale, Amasa Curtis, jun. Thankful Brewer, Amos Langdon, Moses Bradley, Joseph Avery, Elisha Garfield, Daniel Garfield, Sanford Gleason, Manasseh Fairbanks, Stephen Brookins, Penueh Hobbs, Samuel Townshend, Asa Bigelow, Samuel Tibbals, John Bentley, Jedidiah Chapin, and Elijah Walter, be, and hereby are incorporated into a Society, by the name of The First Congregational Society, in the town of Tyrringham, subject to the duties and obligations herein after mentioned, and vested with the powers, privileges and immunities hereinafter specified, and all others which are common to other religious societies.

Persons incor-
porated.

Corporation
empowered to
hold real estate.

SECT. 2. *Be it further enacted*, That the said Corporation may take and hold real and personal estate, not exceeding at any time the value of Ten Thousand Dollars in the whole, the income of which shall be applied to the support of a Congregational Teacher of piety, religion and morality, in the south part of said town of Tyringham, forever; and if it shall be more than sufficient for that purpose, the surplus shall be applicable to repairs of their meeting house, or such other pious uses as the said society shall direct, but the Trustees thereof shall not receive any compensation, to be paid out of said fund for their services.

Clerk & Treasurer.

To be sworn.

Trustees.

SECT. 3. *Be it further enacted*, That the said society may at their first meeting, to be called in the manner hereinafter provided for, and at their annual meeting to be holden on the first Monday of January, every year, appoint a Clerk and a Treasurer, to be sworn to a faithful discharge of the duties of their respective offices, and any number of Trustees not exceeding seven, whose duty it shall be to manage the fund, and the prudential concerns of said Society; and it shall be the duty of the Treasurer to prosecute or defend any action in the name and behalf of said Society; and at any future meeting, lawfully called and warned for that purpose, the said society may dismiss any of their said officers and supply any vacancy, occasioned by such dismissal, or by death, or otherwise, and may also appoint any other officers which they shall judge necessary or proper to effectuate the purposes of their incorporation.

Powers of the
Corporation.

SECT. 4. *Be it further enacted*, That the said society be, and hereby are empowered, to recover and receive the sums of money respectively subscribed for the use of said society, before this act of incorporation, by the several persons hereby incorporated, according to the terms of the subscription, and to take security, either real or personal, for the same, conditioned that if the interest be paid annually on or before the first Monday of January every year, the principal shall not be called for within fifteen years, except at the request of a surety, or when in the judgment of the Trustees the security shall be insufficient, in which cases the principal may be demanded and collected at any time; and the principal as well as interest shall be received whenever tendered to the Treasurer of said Society.

SECT.

SECT. 5. *Be it further enacted*, That the said society may obtain and receive further subscriptions and donations, provided their whole fund shall not exceed the aforesaid amount of Ten Thousand Dollars, and may by vote admit other subscribers and the heirs of subscribers to be members of the said society.

SECT. 6. *Be it further enacted*, That each member of the said Society, and no other person, shall be entitled to vote in their meetings.

SECT. 7. *Be it further enacted*, That any three of the persons, hereby incorporated, may call a meeting of the said Society, to be holden at such time within three months, and at such place within said town of Tyrringham, as they may judge most convenient, by posting up notifications of the time, place and purposes of said meeting, in two or more publick places in said town, fourteen days at least before the time of holding the same, at which meeting the said society may establish the mode of calling and warning future meetings.

Three persons may call meeting.

SECT. 8. *Be it further enacted*, That the books of record and of account of the said society, shall be laid before them at their meetings on the first Monday of January annually, by the Clerk and Treasurer, and shall at all times be open to the inspection of the Legislature, or any Committee appointed for that purpose by the Legislature, as well as of the Trustees or Committee of said Society.

Records subject to inspection of the Legislature.

[This act passed June 16, 1809.]

CHAP. II.

An Act to incorporate the Plantation numbered Five, in the County of Washington, into a Town by the name of Calais.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the township numbered Five, bounding on Schoodick river in the County of Washington, as described within the following bounds, be and hereby is incorporated and established as a town by the name of Calais, viz.—Beginning at a spruce tree, and heap of stones, being the north-east corner of township

Boundaries.

number

number four, standing on the western shore of Schoodick river, or St. Andrews Bay, thence south seventy degrees west, five miles and two hundred and seventy-one rods, to a cedar stump and stones, being the corner of four townships, viz. number three, number four, and number six, thence north twenty degrees west, five miles and one hundred and four rods to a stake and stones on the southerly bank of Schoodick river, thence extending the same course into the middle of the river, thence by a line drawn on the middle of Schoodick river, (being the line between the District of Maine, and the Province of New Brunswick.) and down the said river into St. Andrews, or Schoodick bay, opposite the Devil's Head (so called,) thence southerly by the western shore of Schoodick bay to the first mentioned bound, according to a plan of the survey of the said township made by Rufus Putnam and Park Holland, in the year seventeen hundred and eighty-four, and now remaining in the Land Office of this Commonwealth. And the said town of Calais is hereby vested with all the corporate powers and privileges, and subjected to the like duties and requisitions of other towns, according to the Constitution and Laws of this Commonwealth.

Meeting for
choice of town
officers.

SECT. 2. *Be it further enacted,* That either of the Justices of the Peace for the County of Washington be, and he is hereby authorized to issue his warrant, directed to some inhabitant of the said town of Calais, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers, as towns are by Law empowered and required to choose at their annual town meetings.

[This act passed June 16, 1809.]

CHAP.

CHAP. III.

An Act to establish the dividing line between the Parish of Byfield on one part, and the first and third Parishes in Newbury, and the East Parish in Bradford, on the other part.

SECT. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing this act, that the following boundaries according to their courses shall constitute, and are hereby established, as the dividing line between the Parish of Byfield on one part, and the first and third Parishes in Newbury, and the east Parish in Bradford on the other part, viz. beginning at the Bound tree, between Bradford and Rowley, by the second Parish in said Rowley, thence north eighty four degrees east, thirty eight rods and eighteen links, thence east fifty one rods, thence north sixty five degrees east, one hundred and fifty rods, thence north seventy eight degrees east, one hundred and eight rods, thence north forty five degrees west, one hundred and forty three rods to Beaver Brook (so called) by the bounds of the third parish in Newbury aforesaid; thence north thirty six degrees east, one hundred and sixty six rods, by said third parish in Newbury to the road leading from Crane Neck (so called) to Pearson's mills in Byfield, thence the course of said road south seventeen degrees east, forty rods, thence continuing on said road north eighty three degrees east, twenty one rods, thence south thirty seven degrees east, on said road twenty six rods to land of Amos Dole on the easterly side of said road, thence south seventy five degrees east, sixty four rods to the corner of Deacon Joseph Hale's wood lot, thence south forty five degrees east on the easterly side of said Hale's wood lot, eighty six rods, and seventeen links, thence south seventy two degrees East, one hundred and five rods and ten links, to the road near Lunt's Corner (so called) thence south thirty four degrees east, across said road three rods and fifteen links to the beginning of a drift way, thence north fifty six degrees east, on the southerly side of said way, one hundred and twenty-six rods,

Boundaries de-
scribed.

rods and nine links to the northeasterly corner of Land belonging to the heirs of William Moody; thence south, thirty-eight degrees east, twenty-six rods and eight links, thence south seventy degrees east, forty five rods and nine links to the southerly side of a drift way at the northerly corner of John Turner's land, thence south seventy degrees east, thirty five rods, and sixteen links to the Sewall farm (so called); thence north seventy three degrees east, fifty four rods to the southwest corner of saw-mill pasture (so called) thence north, seventy nine degrees east, seventy seven rods, and seven links, thence north two degrees west, fifteen rods and fourteen links; thence north seventy one degrees east, forty rods; thence south thirty nine degrees east, twenty rods and seventeen links; thence east one hundred and seventeen rods to Rattle Snake Rock, (so called); thence north sixty six degrees east, one hundred and seventeen rods to John Noyes's farm; thence north eighty four degrees east, twelve rods and twenty two links; thence south twenty six degrees east, seventy two rods; thence south thirty seven degrees east, fifty six rods to the south side of the high way; thence the same course, three rods to a large rock in George Adams's pasture; thence south one degree east, sixty eight rods, thence south thirty degrees west, seven rods to a rocky point of upland, thence south twenty eight rods to the river Parker, at the dividing line between land of John Noyes and George Adams; thence on the same course across said river, and down the same on the southerly side to the mouth of Rowley river at Oyster Point (so called); thence up said Rowley river to Rowley line where it meets the dividing line between the first parish in said Rowley, and the said Parish of Byfield as formerly established by law.

[This act passed *June 16, 1809.*]

CHAP. IV.

An Act in addition to an act, entitled “an act determining the places of holding the Courts of Probate in the County of Hampshire, and repealing all laws heretofore made on that subject,” passed on the first day of March, in the year of our Lord one thousand eight hundred and eight.

SECT. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, there shall be holden within and for the County of Hampshire in each year, a court of Probate, at the places hereafter mentioned, any thing in the act to which this is in addition, to the contrary notwithstanding, that is to say, at Springfield three times, at Westfield three times, at Monson twice, at Amherst three times, at New Salem twice, at Charlemont twice, at Chesterfield twice, and at Northampton and Greenfield alternately at least once in each month, at such times and at such places in said towns, as the Judge of Probate for the same County shall from time to time appoint.

[This act passed June 16, 1809.]

CHAP. V.

An Act empowering the Court of Sessions for the County of Washington to erect a Gaol in the town of Eastport.

SECT. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the Court of Sessions, for the County of Washington, shall from time to time assess the polls and estates within the said County, in such sums as may be necessary to erect and keep in repair a good and sufficient Gaol in the town of Eastport in said County, and establish the place in said town, where said Gaol shall stand, and to direct and order the building and repairing said Gaol according to their discretion, *Provided,*

Court of Sessions may assess polls and estates.

Proviso.

ded, said Court of Sessions shall not assess any greater sum of money to defray the charges of erecting and keeping said Gaol in repair, than they shall be authorized by the General Court to assess.

Sheriff may remove prisoners.

SECT. 2. *Be it further enacted*, That said Gaol, when so erected as aforesaid, shall be one of the common Gaols for the said County of Washington, and the Sheriff of said County, by his Deputy, or otherwise, may remove criminals for trials from one of the Gaols in said County to the other at his discretion, without Habeas Corpus, or any order from any of the Courts held in that County,

Proviso.

Provided, said criminals are not also committed on mesne process or execution.

[This act passed *June 16, 1809.*]

CHAP. VI.

An Act to incorporate certain persons by the name of The
Cheshire Glass Manufactory.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathan Wood, George Clark, Selah Root, Amos Pettibone, Benjamin Whipple, Stephen Whipple, Samuel Whipple, Eddy Mason, Brooks Mason, Benjamin Clark, Warren Southworth, Jesse Hix, Joseph Stephens, jun. Jonathan Pettibone, Jesse Mason, jun. Philo Pettibone, Frederick Noble, Truman Turrill, Thomas Hix, Samuel Bacon, Nathaniel Kent, William Millen, Ephraim Farrington, Moses Wolcott, Joel Redway, Jonathan Fish, jun. Calvin Fish, Daniel Coman, John Bennet, Timothy Sanders, Elisha Mowry, Elisha Clapp, Emerson Brown, Timothy Noble, Martin Gue-tian, Ebenezer Buck, John Turril, David Buck, Timothy Whitney, Silas Bagg, Hezekiah Mason, John Welles, Elisha Welles, John Welles, jun. Charles Welles, Elisha Tibbits, George Tibbits, Townshend M'Cown, Calvin Hall, John Leland, jun. Daniel Brown, Darius Brown, John Brown, Joseph Bucklin, William Machem, Daniel Barker, Ezra Barker, William Henry Smith, Heathcoat Hart, and John Hart, with such others as already have
or

or hereafter may associate with them, their successors or assigns, be and hereby are made a corporation, by the name of The Cheshire Glass Manufactory, for the purpose of manufacturing Glass in the town of Cheshire, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March last past, entitled, "An act defining the general powers and duties of Manufacturing Corporations."

SECT. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture of Glass in the said town of Cheshire. Empowered to hold real estate.

[This act passed June 16, 1809.]

CHAP. VII.

An Act annexing a gore of land commonly known by the name of the Thirty Mile Strip, in the County of Kennebeck, to the town of Readfield in said County.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the following described strip of land, called Thirty mile strip, together with the inhabitants thereon, be and hereby are annexed to, and made a part of, the town of Readfield, viz.—Beginning at the northwest corner of the said town of Readfield, thence westerly on the southerly line of the town of Mountvernon, to the easterly line of the town of Fayette, thence southerly on the easterly line of the said town of Fayette to the town of Wayne, thence easterly on the northerly line of said town of Wayne, to the town of Readfield, thence northerly on the westerly line of said town of Readfield to the first mentioned bounds. And the said inhabitants, hereby annexed to the town of Readfield, shall be entitled to all the privileges, and subject to the same duties and requisitions, as the other inhabitants of said town, according

Boundaries.

B

to

to the constitution and laws of this Commonwealth, and in as ample a manner as if they had been originally a part of said town of Readfield.

[This act passed June 16, 1809.]

CHAP. VIII.

An Act for further extending the provisions of an act incorporating the Proprietors of the Kennebunk Pier, passed in the year of our Lord, one thousand seven hundred and ninety eight.

Preamble.

WHEREAS said act of incorporation was to continue in force for and during the term of ten years, and the said period has elapsed, and the proprietors aforesaid have petitioned for a further extension of said term : Therefore,

Provisions of a former act extended.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said act be and hereby is extended and continued to the said proprietors, with all its privileges and provisions, for and during the further term of ten years, to be computed from the period of its expiration.

[This act passed June 16, 1809.]

CHAP. IX.

An Act to incorporate William Davis and others, by the name of The Plymouth Cotton Manufactory.

Persons incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Davis, Samuel Spear and Nathaniel Russell, with such others as already have, or hereafter may associate with them, their successors or assigns, be and hereby are made a Coporation, by the name of *The Plymouth Cotton Manufactory*, for the purpose of manufacturing cotton and woollen in the town of Plymouth, and for that purpose shall have all the powers and privileges,

privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March last, entitled An act defining the general powers and duties of Manufacturing Corporations.

SECT. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton and woollen in the said town of Plymouth.

Empowered to hold real estate.

[This act passed June 16, 1809.]

CHAP. X.

An Act in further addition to an act entitled, “An act to entitle the town of Boston to choose a Board of Health, and for removing and preventing nuisances.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the persons who now are or may be appointed Members of the Board of Health, for the town of Boston, in pursuance of the act to which this is an addition, shall be and hereby are exempted from common and ordinary military duty, during the time they continue to be members of the board aforesaid.

Board of Health exempted from military duty.

[This act passed June 16, 1809.]

CHAP. XI.

An act to incorporate the District of Easthampton, in the County of Hampshire, into a town by the name of Easthampton.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the lands comprised within the limits of the District of Easthampton, as the same are now bounded, with the inhabitants dwelling thereon (excepting

Easthampton incorporated.

(excepting Elijah Pomroy, Caleb Pomroy, Moses Bartlett, and Preserved Bartlett's heirs,) with the lands whereof they were severally seized and possessed in their own right on the seventeenth day of June, Anno Domini seventeen hundred and eighty five, be, and they hereby are incorporated into a town by the name of Easthampton, and the said town is hereby invested with all the powers, privileges and immunities, to which towns within this Commonwealth, are or may be entitled agreeably to the Constitution and laws of the said Commonwealth.

[This act passed June 16, 1809.]

CHAP. XII.

An Act to enable the Boston Mill Corporation to divide their estate among the Proprietors.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Boston Mill Corporation shall be and hereby are authorized at any meeting to be called for that purpose, from time to time, to agree upon any mode for effecting a fair, equal and convenient division or partition of their estate, or any part thereof, by lot, sale at auction among the proprietors, or otherwise, and upon such terms and principles as they may judge and determine to be expedient; and in case it shall so happen that the said estate, or such part thereof as may be ready for division, cannot conveniently be divided (in the opinion of said Corporation) so as to accommodate each proprietor with a quantity of land, equal and in proportion to his interest, the said Corporation shall have power to make all such rules and regulations, respecting credit to be given to those proprietors who become purchasers to a greater amount than their shares, and respecting the payment and indemnification of those who do not purchase to the amount of their shares, as they may judge expedient and for the interest of the Corporation.

SECT. 2. *Be it further enacted,* That all powers hereby given to said Corporation, may be delegated to and exercised

Proprietors authorized to divide their estate.

exercised by their President and Directors, or by any committee for that purpose specially to be appointed.

[This act passed June 17, 1809.]

CHAP. XIII.

An Act in addition to the act establishing the Salaries of the Justices of the Supreme Judicial Court.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the first day of July next, there shall be paid to the Chief Justice of the Supreme Judicial Court, the sum of one thousand Dollars, and to each of the other Justices thereof the sum of six hundred Dollars, for every year during their continuance in office, in addition to their respective salaries as now established by law, and the said additional salaries shall be paid to said Justices quarterly out of the Treasury of this Commonwealth, the first quarter commencing with said first day of July aforesaid.

[This act passed June 17, 1809.]

CHAP. XIV.

An Act establishing a Corporation by the name of The Marblehead Social Insurance Company.

SECT. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Isaac Story, Joseph Barker, Joseph Wilson, and all such persons as have already, or hereafter shall, become their associates and stockholders in said company, being citizens of the United States, be and hereby are incorporated into a company or body politick, by the name of the Marblehead Social Insurance Company, for and during the term of twenty years, after the passing of this act, and by that name may sue or be sued, plead or be impleaded, appear, prosecute, and defend to final judgment and execution, and have a common seal which they may alter at pleasure, and may purchase

Persons incor-
porated.

Name.

Powers.

purchase, hold, and convey any estate, real or personal, for the use of said company, subject to the restrictions hereafter mentioned.

Capital Stock
not to exceed
One hundred &
fifty thousand
dollars.

SECT. 2. *Be it further enacted*, That the capital stock of said Company, exclusive of premium notes or profits arising from said business, shall consist of One Hundred Thousand Dollars, (the stockholders to have liberty to extend it to, but not to exceed, One Hundred and Fifty Thousand Dollars) and shall be divided into one thousand shares, of which capital stock not more than twenty thousand dollars shall be vested in real estate.

Directors.
President.

SECT. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of said company, shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer, which Directors, shall at the time of their election, be stockholders, and citizens of this Commonwealth, and shall be elected on the third Monday of April, in each and every year, at such time of the day, and in such place in the town of Marblehead, as a majority of the Directors for the time being shall appoint, of which election publick notice shall be given in one of the Newspapers printed in the town of Salem, and continued for the space of ten days immediately preceding such election; and such election shall be holden under the inspection of three stockholders not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided*, that no stockholder shall be allowed more than ten votes; and the stockholders, not present, may vote by proxy, under such regulations as said company shall prescribe; and if, through any unavoidable accident, the said Directors shall not be chosen on the third Monday of April, as aforesaid, it shall be lawful to choose them on another day in the manner herein prescribed.

Qualifications
of Directors.
How chosen.

Proviso.

President chosen
by Directors.

SECT. 4. *Be it further enacted*, That the Directors so chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office; and in case
of

To be sworn.

of the death, resignation or inability of the President or any Directors to serve, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be holden in the same manner as herein before directed, respecting annual elections for Directors and President.

Special election
may be holden.

SECT. 5. *Be it further enacted,* That the President and three of the Directors, or four of the Directors in the absence of the President, shall be a board competent for the transaction of business; and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance; and shall also have power to appoint a secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said board shall seem meet: *Provided,* that such bye-laws, rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

President and
three directors
may transact
business—

And make by-
laws.

Provide.

SECT. 6. *Be it further enacted,* That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and board of Directors shall deem proper; and the President and a committee of two of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the despatch of business, and the said board of Directors or the Committee aforesaid, at and during the pleasure of said board, shall have power and authority on behalf of the company to make insurance upon vessels, freight, money, goods, and effects, and against captivity of persons, and on the life of any person during his absence at sea, and in cases of money lent upon bottomry, and respondentia, and to fix the premium and terms of payment; and all Policies of Insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the directors, and countersigned

Stated meetings
of the directors.

Policies to be
subscribed by
the President.

counterigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of said company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and board of Directors, and the same shall be binding on the Company.

Dividends to be
made semi-
annually.

SECT. 7. *Be it further enacted,* That it shall be the duty of the Directors, on the second Monday of January and July in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said company, as to them shall appear advisable, but the monies received and the notes taken for premiums on risks which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the company; and in case of any loss or losses, whereby the capital stock of the company shall be lessened each proprietors or stockholder's estate shall be held accountable for the instalment that may be due and unpaid on his share or shares, at the time of said loss, or losses taking place, to be paid into the said company by assessments, or such other mode, and such time or times, as the Directors shall order, and no subsequent dividend shall be made until a sum equal to such diminution, shall have been added to the capital, and that once in every year, and oftener if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Individual ef-
fates made ac-
countable.

Stock to be in-
vested.

SECT. 8. *Be it further enacted,* That the said company shall not directly or indirectly, deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, and the capital stock of said company, within six months after being collected at each instalment, shall be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated bank in this Commonwealth, at the discretion of the President and Directors of said company, or of other Officers, which the proprietors shall for such purposes appoint.

SECT.

SECT. 9. *Be it further enacted*, That twenty five dollars on each share in said company shall be paid within thirty days after the first meeting of said company, and the remaining sum within one year after said first meeting, in such equal instalments and under such penalties as the said company shall direct, and no transfer of any share shall be permitted, or be valid, until the whole capital stock shall have been paid in.

Instalments.

SECT. 10. *Be it further enacted*, That no person being a Director of any other company carrying on the business of Marine Insurance, shall be eligible as a Director of the company by this act established.

Persons not eligible as directors.

SECT. 11. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

SECT. 12. *Be it further enacted*, That the President and Directors of said company shall, previous to their subscribing to any policy, and once in every year after, publish in one of the Newspapers printed in the town of Salem, the amount of their stock, against what risks they intend to insure, and the largest sum they intend to take on any one risk, *Provided*, that the said President and Directors shall not be allowed to insure on any one risk a larger sum than ten per centum of the amount of the capital stock actually paid in.

Amount of stock to be published.

Provided.

SECT. 13. *Be it further enacted*, That the President and Directors of said company, shall when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same under oath.

SECT. 14. *Be it further enacted*, That Isaac Story, Joseph Barker, and Joseph Willson, or any two of them, are hereby authorized to call a meeting of the members of said company as soon as may be in Marblehead, by advertising the same for two successive weeks in the Essex Register, for the purpose of their electing a first Board

First meeting of stockholders.

of

BOSTON GLASS MANUFACT. *June 17, An. 1809.*

of Directors, who shall continue in office until the third Monday of April, one thousand eight hundred and ten.

[This act passed *June 17, 1809.*]

CHAP. XIV.

An Act to incorporate certain persons by the name of The Boston Glass Manufactory.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Gore, Thomas Whalley, Jonathan Hunnewell, Charles F. Kupfer, and Samuel H. Walley, with such other persons as already have or hereafter may associate with them, their successors and assigns, be and hereby are made a corporation, by the name of the Boston Glass Manufactory, for the purpose of manufacturing Glass, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in An act passed the third day of March last past, entitled an act defining the general powers and duties of manufacturing Corporations.

Persons incor-
porated.

Corporation
empowered to
hold real estate.

SECT. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding two hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufactory of Glass.

[This act passed *June 17, 1809.*]

CHAP. XV.

An Act to establish The Salem India Wharf Corporation.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That George Crowninshield, George Crowninshield, jun. John Crowninshield, Benjamin Crowninshield, and Richard Crowninshield, owners and proprietors

Persons incor-
porated.

proprietors of a certain parcel of land, wharf and flats in Salem, in the county of Essex, known by the name of India Wharf, and such persons as may hereafter associate with, them their successors and assigns, being citizens of the United States, shall be, and hereby are constituted a body politic and corporate, by the name of The Salem India Wharf Corporation, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any court of record or in any other place whatsoever, and shall and may do and suffer all matters, acts and things, which bodies politic, ought to do and suffer, and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew, and also to ordain, establish and put in execution such bye laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said corporation, and for the prudent management of their property and affairs; and for the breach of such bye laws, ordinances and regulations, may order fines and penalties, not exceeding ten dollars for every breach, *Provided*, that such bye laws, ordinances and regulations, shall not be repugnant to the laws of this Commonwealth.

Powers of the
Corporation.

Provifo.

SECT. 2. *Be it further enacted*, That the said corporation shall be and hereby is declared capable to have, hold and possess the said land, wharf and flats, called India Wharf, and the privileges and appurtenances thereof, and also any other lands and tenements connected therewith, not exceeding the additional value of thirty thousand dollars, exclusive of the buildings thereon, and shall have power to erect any buildings, on any real estate owned by them, and any sea wall or other walls, to protect and secure the same, and shall have power to grant, sell and alien in fee simple, or otherwise, the said corporate property, or any part thereof, and to lease, exchange, manage and improve the same according to the will and pleasure of the proprietors, or the major part of them, present at any legal meeting, to be expressed by their votes; and the rents, profits and receipts which may accrue from the improvements, leasing or other management of the corporate property aforesaid, may and shall, once at least in every year, be divided among the proprietors according to their respective shares.

SECT.

SECT. 3. *Be it further enacted*, That said proprietors may at any legal meeting agree upon the number of shares into which said estate shall be divided, not exceeding five hundred, and upon the form of certificates to be given to individuals, of the number of shares by them respectively held, and upon the mode and conditions of transferring the same ; which shares shall be held and considered as personal estate, to all intents and purposes whatsoever ; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for repairing and erecting walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act, and to sell and dispose of the shares of any delinquent proprietor for the payment of assessments in such way and manner as said corporation may by their rules and regulations, determine and agree upon.

Individual property liable to attachment.

SECT. 4. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate funds or estate, shall be liable to attachment, and to the payment of his just debts in manner prescribed by an act entitled, "an act directing the mode of attachment on mesne process, and selling by execution shares of debtors in incorporated companies," passed the eighth day of March, in the year of our Lord one thousand eight hundred and five.

Meeting for choice of officers.

SECT. 5. *Be it further enacted*, That George Crowninshield, George Crowninshield, jun. and Benjamin Crowninshield, or any two of them, may call the first meeting, by advertizing the same in any one of the public Newspapers, printed in Salem, at least three days before the time of meeting, and at that, or any other meeting, may elect a President, Treasurer, Clerk, Secretary, or other officers, and for such term of time not exceeding one year, as they may judge fit, and the same at pleasure change or remove ; and in the choice of officers, or on any other occasion when it shall be required by a majority in value of the members present, the votes shall be given by shares, allowing one vote to each share, *Provided*, only that no member shall have more than ten votes,

Proviso.

SECT.

SECT. 6. *Be it further enacted*, That nothing herein contained shall be deemed or construed to give to said proprietors any right or authority to take or appropriate to their use the land, right or privilege of any person or persons, without a legal conveyance thereof from such person or persons, to the said corporation.

SECT. 7. *And be it further enacted*, That after the expiration of ten years the Legislature shall have power to alter, amend or repeal this act, *Provided, however*, that upon such repeal, all real estate then belonging to said corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns, as tenants in common, in proportion and according to the number of shares, which they may then hold. *And Provided further*, That the said proprietors, notwithstanding such repeal by the Legislature, shall have power, in their corporate name and capacity aforesaid, to sue for, recover and divide all sums of money and debts, which may then be thereto due and unpaid.

This act subject to repeal.

Provido.

Further proviso.

[This act passed *June 17, 1809.*]

CHAP. XVI.

An Act to incorporate William Edwards and others, by the name of The Hampshire Leather Manufactory.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Edwards, Sylvester Emmons, Spencer Clark, Gideon Lee, Roswell Hubbard, and William Hubbard, together with such other persons as already have or may hereafter associate with them, their successors and assigns, be and hereby are made a corporation by the name of The Hampshire Leather Manufactory, for the purpose of manufacturing leather at Northampton, Chester, and Cumington, in the county of Hampshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine entitled an act defining

Persons incorporated.

defining the general powers and duties of manufacturing Corporations.

SECT. 2. *Be it further enacted*, That the said Corporation may be lawfully seized of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate not exceeding the value of seventy thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of leather in the towns of Northampton, Chester and Cummington, aforesaid.

[This act passed June 17, 1809.]

CHAP. XVII.

An Act to transfer the powers and duties of the Court of Sessions to the Courts of Common Pleas, and for other purposes.

Former acts re-
pealed.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the act entitled, "an act in addition to an act, entitled an act establishing Courts of General Sessions of the Peace," passed the third day of July, in the year of our Lord, seventeen hundred and eighty two, and also an "act to explain and amend the laws respecting Courts of General Sessions of the Peace," be, and they hereby are repealed.

Powers trans-
ferred.

SECT. 2. *Be it further enacted*, That from and after the passing of this act, the Courts of Common Pleas, within this Commonwealth, in their respective counties, shall have, exercise and perform all the powers, authorities and duties, which before and until the passing of this act, the respective Courts of Sessions within the several counties in this Commonwealth, have by law had, exercised and performed.

Petitions, &c.
returnable to
the Common
Pleas.

SECT. 3. *Be it further enacted*, That all petitions, recognizances, warrants, orders, certificates, reports and processes, made to, pending in, taken for, or continued, or returnable to, the Courts of Sessions in the several counties in this Commonwealth, shall be returnable to, entered, have day, be proceeded in, and determined by the respective

respective Courts of Common Pleas, within and for the same counties, at the term thereof, which shall be next holden after passing this act; and that all petitions, recognizances, warrants, orders, reports and processes, which shall hereafter be made or taken, shall be made and taken to the Courts of Common Pleas, within the respective counties, at the term thereof, which shall be next holden after passing this act, in the same manner as they would have been made or taken to the said Court of Sessions, if this act had not been made.

[This act passed June 19, 1809.]

CHAP. XVIII.

An Act in addition to an act, entitled, "An act in further addition to an act, entitled, an act for incorporating James Sullivan, Esq. and others, by the name and style of the proprietors of the Middlesex Canal."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the proprietors of the Middlesex Canal, shall be allowed the further time of four years from the twenty second day of June current, to render Concord river boatable and navigable, and for cutting other canals in the county of Middlesex, pursuant and according to the tenor of the acts heretofore passed on that subject.

Proprietors allowed further time.

[This act passed June 19, 1809.]

CHAP. XIX.

An Act to provide for two extra sessions of the Court of Common Pleas for the County of Middlesex.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be a term of the Court of Common Pleas for the county of Middlesex, holden at Cambridge in the same county, on the second Tuesday of July next, and another term of said Court holden

Extra sessions.

holden at Cambridge, on the first Tuesday in August next, for the sole purpose of considering any new application for any new highways, or county roads within the same county, and of establishing according to law, such roads as in their opinion the public necessity or common convenience may require.

[This act passed June 19, 1809.]

CHAP. XX.

An Act to change the names of certain persons therein mentioned.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, John O'Brien, the third, of Newbury, in the county of Essex, shall be allowed to take the name of John Maurice O'Brien; that John Hooper, of Marblehead, in the county aforesaid, shall be allowed to take the name of John Grift Hooper; that Josiah Clark, of Sharon, in the county of Norfolk, who has been known and called by the name of Joseph Huin, shall be allowed to take the name of Joseph Huin; that Samuel Bayley, jun. of Weymouth, in the county of Norfolk, shall be allowed to take the name of Samuel Publius Bayley; that William Stickney, the third, of Newbury, in the county of Essex, shall be allowed to take the name of Albert Alonzo Stickney; that Joseph Sprague, jun. of Salem, in the county of Essex, shall be allowed to take the name of Joseph E. Sprague; that Samuel Lee, of Boston, in the county of Suffolk, shall be allowed to take the name of William Raymond Lee; that Elijah White, of Boston, aforesaid, shall be allowed to take the name of Ferdinand Elliot White, and Israel Putnam the fourth, son of Eleazer Putnam of Danvers, in the county of Essex, Esq. shall be allowed to take the name of Israel Warburton Putnam. And the said persons shall, from and after the passing of this act, be known and called by the names which they are respectively allowed to take, as aforesaid, and the same shall be considered as their only proper names.

[This act passed June 19, 1809.]

CHAP.

CHAP. XXI.

An Act in addition to an act, entitled, "an act to establish a Company by the name of The Worcester and Stafford Turnpike Corporation."

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the honourable Salem Town, Esq. Abner Brown, Esq. and Mr. Reuben Sikes, of Worcester, be a committee to examine that part of the turnpike road which the Worcester and Stafford turnpike corporation were empowered to make, and which is now located over a hill in the town of Sturbridge, on land of Lyon and of Upham; and if they think fit, to discontinue the road so located over said hill, and locate a road in lieu thereof, in such course, by the side of said hill, as will best accommodate the publick, and be least prejudicial to individuals; and that said committee be, and they hereby are authorized and empowered, to make such alterations in the former assessment of damages, and assess such other damages as may be just and reasonable, in consequence of locating said turnpike road, according to the authority hereby given, and according to the act to which this act is in addition.

Committee appointed.

SECT. 2. *Be it further enacted,* That the said Salem Town, Abner Brown, and Reuben Sikes, be a committee to examine said turnpike road, and approve of the same, if made conformable to law, and that upon such approbation being had, the said corporation may apply for a committee to establish their gates according to law.

[This act passed June 19, 1809.]

CHAP. XXII.

An Act to change Monmouth Free Grammar School in the town of Monmouth, in the county of Kennebeck, into an Academy, by the name of Monmouth Academy.

WHEREAS the Trustees of Monmouth Free School, have petitioned this court to change the name

Preamble.

name of said Free Grammar School, and to erect the the same into an academy, by the name of The Monmouth Academy :

Monmouth Academy incorporated.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said Monmouth Free Grammar School, be, and the same hereby is erected into an Academy, by the name of The Monmouth Academy, and that the trustees of the said School shall be hereafter styled the trustees of Monmouth Academy, in all cases whatsoever.

[This act passed June 19, 1809.]

CHAP. XXIII.

An Act to incorporate the Plantation heretofore called Ballstown, into a town, by the name of Whitfield.

Whitfield incorporated.

Boundaries.

SECT. I. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the plantation heretofore called Ballstown, in the county of Lincoln, as described within the following bounds, be, and hereby is incorporated into a town by the name of Whitfield, to wit : Beginning at a stake in Turner's Meadow Brook (so called) it being the south west corner of the town of Jefferson, from thence running north west one mile, and two hundred and sixty poles to Sheepscot river ; from thence by and down said river as it runs one mile and sixty poles, to an elm tree ; from thence west northwest one mile and eighty poles to Pittston line ; from thence north four dergees east on said Pittston line, five miles and three hundred poles, to a tree marked ; from thence north north-east three miles and one half of a mile, to a white maple tree marked ; from thence east southeast five miles and three hundred poles to the west line of Jefferson ; from thence south twenty seven degrees west nine miles and two hundred poles, on the west line of Jefferson, to the first mentioned bound. And the said town is hereby vested with all the powers and privileges, and subject to all the duties and requirements to which other towns are entitled or subjected by the constitution and laws of this Commonwealth.*

SECT.

SECT. 2. *Be it further enacted*, That either of the Justices of the Peace for the county of Lincoln be, and he is hereby authorized to issue a warrant, directed to some inhabitant of said town of Whitfield, requiring him to notify and warn the inhabitants of the said town, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose, in the months of March or April annually.

[This act passed June 19, 1809.]

CHAP. XXIV.

An Act for incorporating certain persons for the purpose of building a Bridge over Kennebeck river, in the town of Norridgewock.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Ware, Ithamar Spaulding, Asher Spaulding, James Jones, Nathaniel Blackwell, William Jones, Richard Sawtell, John Clark, Bezar Bryant, Caleb Jewett, James Waugh, jun. Obadiah Withrell, and Josiah Heald, together with such others as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of The Proprietors of Somerset Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politick may and ought to do and suffer; and that said corporation shall have full power and authority to make, have, and use, a common seal, and the same to break, alter and renew at pleasure; and the said corporation shall be and they are hereby authorized to erect a bridge over Kennebeck river, at the ripples, above the meeting house in Norridgewock, between the land owned by William Jones, on the northeast side of the river aforesaid, and the land lately owned by Simon Peirce, on the southwest side of the river aforesaid. And the said bridge shall be well built, of good materials, not less than twenty four feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

Persons incorporated.

SECT.

Three persons
to call a meet-
ing.

Powers.

Proviso.

Rates of Toll.

SECT. 2. *Be it further enacted*, That any three of the persons before named may call the first meeting of the said proprietors, by an advertisement in the Kennebeck Gazette, in three successive papers, the last publication to be at least fourteen days prior to the time appointed for such meeting ; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (*Provided*, no person either by his own right or by proxy or by both, shall be entitled to more than ten votes,) shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office ; also may at the same time, or at any subsequent meeting, choose such other officers, as may be found necessary for managing the business of said corporation, and shall agree on a method of calling future meetings, and at the same or at any subsequent meeting, may make and establish such rules and regulations, as shall be deemed convenient and necessary for regulating said corporation, effecting, completing and executing the purposes aforesaid, and for collecting the toll herein granted ; and the same rules and regulations may cause to be observed and executed ; and for the breach of any of them, may order and enjoin fines and penalties not exceeding twenty dollars. *Provided*, that said rules and regulations be not repugnant to the laws and constitution of this Commonwealth.

SECT. 3. *Be it further enacted*, That a toll be and hereby is granted and established, for the use and benefit of said corporation, according to the rates following, to wit : for each foot passenger or one person passing said bridge, two cents ; one person and horse, six cents and one quarter of a cent ; single horse cart, sled or sleigh, eight cents ; each wheel barrow, hand cart, and every other vehicle capable of carrying a like weight, three cents ; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, twelve cents and five mills ; and for every additional beast above four, two cents ; each single horse and chaise, chair or fulkey, seventeen cents ; each coach, chariot, phaeton and curricule, thirty seven cents and an half cent ; neat cattle and horses, exclusive of those rode on, or in carriages, or in teams, two cents each ; sheep and swine, for each dozen, six cents and a quarter of a cent, and at the same rate for a greater or less number ; and the same toll shall be

be paid for all carriages passing said bridge, whether the same be loaded or not; and to each team one man, and no more, shall be allowed as a driver, to pass free from payment of toll; and at all times when the toll gatherer shall not attend his duty at the said bridge, the gate or gates shall be left open. And the said toll shall commence on the day of the first opening of the said bridge for passengers, and shall continue for and during the term of seventy five years, from the said day, and be collected as shall be prescribed by said corporation; *Provided*, the said proprietors shall at all times keep the said bridge in good repair, and at the end of said term deliver the same to the Commonwealth for their use; *Provided also*, that at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters.

SECT. 4. *Be it further enacted*, That if the said corporation shall neglect, or refuse, for the space of nineteen months from the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

SECT. 5. *Be it further enacted*, That all persons with their carriages and horses, passing to and from their usual places of publick worship, and all persons passing to and from funerals, and all persons passing on military duty, be, and hereby are exempted from paying the toll required by this act.

SECT. 6. *Be it further enacted*, That at the expiration of ten years from the opening of said bridge, the General Court may regulate anew the rates of toll receivable thereat.

[This act passed June 19, 1809.]

CHAP. XXV.

An Act in addition to an act, entitled An act for regulating Towns, setting forth their Power, and for the choice of Town Officers, and for repealing all Laws heretofore made for that purpose.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the following town officers, namely, the clerk, treasurer, selectmen and assessors, shall be elected by ballot, but all other town officers may be chosen by that or any other method, as the electors present shall agree upon; and no ballot shall be received at any meeting of the several towns and districts in this Commonwealth, for the choice of a town officer, or officers, before nine o'clock in the forenoon, nor after four o'clock in the afternoon.

Clerk, &c. chosen by ballot.

Collectors to prepare lists of rateable polls.

SECT. 2. *Be it further enacted*, That it shall be the duty of every collector of taxes, in the several towns and districts aforesaid, for the two last years, immediately preceding the first day of March, annually, and they are hereby severally authorized and directed, to make out and return to the assessors of the several towns and districts for the time being, or to such other persons as perform the office of assessors, of such towns and districts, thirty days previous to the first day of March annually, an accurate list of the names of all those persons from whom the said collectors shall have received any sum of money, as payment for taxes, for either of said two years, and to the name of each person, each collector, shall respectively annex the said sum of money, which he shall have so received from such person on the account aforesaid. And it shall be the duty of the said assessors, or of such persons as perform the office of assessors, to receive and examine the list aforesaid, and forthwith to make out an alphabetical list of the names of all those persons, from whom the said collector or collectors shall have received in payment of the taxes assessed in said town, for either of the two years next preceding, a sum of money equal to one poll tax, and two thirds of a single poll tax, and who,

who, in addition to having paid the said tax, as aforesaid, shall have been taxed for the year next preceding the said first day of March, to the said amount and whose taxes for either of the said years shall not have been abated : And the said assessors, or other persons performing the office of assessors for the time being, shall publish the said alphabetical list, by posting up the same in two or more publick places, in such towns or districts, fourteen days, at least, before the annual meeting for the choice of town and district officers, in their respective towns or districts ; and shall also furnish the Moderator of such meeting with a like alphabetical list ; and if the said collectors, assessors, or persons performing the office of assessors, shall unreasonably refuse, or neglect to make out their respective lists, and to return, publish, and furnish the same as aforesaid, they shall for each offence, severally forfeit a sum not exceeding five hundred dollars, nor less than fifty dollars, to be recovered by action of debt, or by indictment in any court proper to try the same ; one moiety thereof to the use of the poor of the town, and the other moiety to the person or persons who shall sue or prosecute therefor.

List to be published.

Collectors or assessors neglecting their duty—

Penalty.

SECT. 3. *Be it further enacted*, That the freeholders and other inhabitants of each town and district, being citizens of the United States, and being twenty one years of age, or upwards, whose names shall be on the said alphabetical list, shall be legally entitled to act and vote at any legal meeting of the said inhabitants ; and if any person not so legally qualified and entitled to act, and vote as aforesaid, shall give a ballot, or otherwise act, or vote at any such meeting, or if any person so legally qualified, shall at any one time of balloting, at any such election, fraudulently give in more than one vote, for one person, for either of said offices, every such person shall, for every such offence, forfeit a sum not less than thirty dollars, nor more than two hundred dollars, to be recovered as aforesaid.

Qualifications of voters.

Persons not entitled to vote—

Penalty.

SECT. 4. *Be it further enacted*, That no person shall be permitted to give his vote at any meeting, for the choice of the town and district officers before named, unless his name be found upon said alphabetical list ; and any moderator of such meeting, wilfully and knowingly permitting any

Moderator not to receive votes from those not on the list.

Penalty.

any person to vote, contrary to the provision of this act, shall forfeit one hundred dollars for every such offence, to be recovered as aforesaid.

[This act passed June 19, 1809.]

CHAP. XXVI.

An Act to repeal an act, entitled, “an act to incorporate a number of Inhabitants residing within the limits of the South Parish of the town of Augusta, in the County of Kennebeck, into a religious Society by the name of The Third Religious Society in Augusta.”

Act repealed.

Proviso.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the act, entitled an act to incorporate a number of the inhabitants, residing within the limits of the south parish of the town of Augusta, in the county of Kennebeck, into a religious society, by the name of 'The Third Religious Society in Augusta, be, and hereby is repealed; and the members of the said Religious Society, with their polls and estates, are hereby annexed to the said south parish in Augusta, and entitled to all the rights, privileges and immunities of the same, in common with other parishioners thereto belonging. *Provided, nevertheless,* that the members of the said Third Religious Society, shall not be liable for the payment of any debts heretofore contracted, by the said south parish, in Augusta, other than those to which they are already liable, by the said act of incorporation.

[This act passed June 19, 1809.]

CHAP. XXVII.

An Act in addition to the several acts now in force to regulate the paving of Streets in the town of Boston, and for removing obstructions in the same.

SECT. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority

thority of the same, That in paving or repairing the pavement of any street, in the town of Boston, in future, no person shall place timber or wood, in front of his or her house or lot, to support the foot walk ; but the same shall be supported with hammered or cut stone any thing in the second section of the act to which this is in addition, passed the twenty second day of June, in the year of our Lord one thousand seven hundred and ninety nine, to the contrary notwithstanding.

SECT. 2. *Be it further enacted*, That the selectmen of the town of Boston, shall be, and they hereby are empowered to appoint suitable places in the streets or squares of said town, in which all waggons, carts, sleds, or other carriages, shall be directed to stand.

Selectmen may appoint places for teams, &c.

SECT. 3. *Be it further enacted*, That said selectmen shall have power from time to time, to make and adopt such rules and orders, for the due regulation of all such carriages, in the streets of the town of Boston, as to them shall appear necessary and expedient ; which rules and orders shall be published, at least one week, in two of the newspapers printed in the said town ; and any owner or driver of any carriage, who shall offend against any such rule or order, so adopted and published, shall forfeit and pay a sum not exceeding five dollars, to be recovered upon complaint of either one of the selectmen of said town of Boston, before any one of the Justices of the Peace for the county of Suffolk ; and all such fines and forfeitures shall be paid for the use of the person prosecuting for breach of any such rule or order.

[This act passed June 19, 1809.]

CHAP. XXVIII.

An Act to unite and incorporate the town of Loudon and district of Bethlehem, in the county of Berkshire, into one town, by the name of Loudon.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of March next, the town of Loudon and the district of Bethlehem, be united and incorporated.

Meeting for
choice of offi-
cers.

lehem, in the county of Berkshire, be and they hereby are united into one town by the name of Loudon.

SECT. 2. *Be it further enacted*, That the selectmen of the town of Loudon be and they hereby are authorized and empowered to issue their warrant in the month of February next, directed to the constables of the town of Loudon and district of Bethlehem, or such other person, or persons, as they shall appoint for that purpose, requiring them to notify and warn a meeting of the inhabitants of the town of Loudon and district of Bethlehem, fourteen days at least, before the first day of March next, to meet and assemble on the said first day of March, at such place in said town, as the said selectmen shall appoint, for the purpose of choosing town officers, and doing such other business as shall be expressed in the said warrant.

SECT. 3. *Be it further enacted*, That all state, county, town, and ministerial taxes due, and debts contracted by either the town of Loudon or the district of Bethlehem, previous to the first day of March next, shall be paid by them respectively.

SECT. 4. *Be it further enacted*, That the stock and property owned by the said town of Loudon, or district of Bethlehem, shall from and after the said first day of March next become one entire fund, and be the property of the said town of Loudon.

[This act passed June 19, 1809.]

CHAP. XXIX.

An Act to incorporate Benjamin Smith and others, by the name of The Franklin Mechanick Association.

Persons incor-
porated,

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Smith, Joseph Mansfield, and John Hooper Gregory, with their associates, and such as may hereafter join with them, be and they are hereby incorporated into a body politick by the name of The Franklin Mechanick Association, in Marblehead, for the purpose of encouraging and promoting the general interest of the arts and sciences, as well as affording relief

lief to the distressed; that they shall have perpetual succession by the said name, have power to make all bye laws and regulations, necessary for maintaining and promoting the purposes of their institution, and not repugnant to the constitution or laws of this Commonwealth.

Powers of the Corporation.

SECT. 2. *Be it further enacted*, That the said Franklin Mechanick Association in Marblehead, be, and hereby are authorized and empowered to make, and use a common seal, and are hereby made liable to be sued, and empowered to sue, and defend in their said corporate capacity in any of the courts of law of this Commonwealth, and to make purchases, and receive subscriptions, grants and donations of real or personal estate, not exceeding the sum of fifty thousand dollars in either, and to dispose of their property at any time, as to a majority of their corporation, shall seem fit and meet, the said majority being restricted to the before mentioned purposes of the institution.

Empowered to hold real estate.

SECT. 3. *Be it further enacted*, That the said society be and are hereby authorized to meet on the third Thursday of July next and ever after, annually, on the last Thursday of December, to choose a President, Clerk, Treasurer, and such other officers, as to them may appear necessary, each to continue, until others may be chosen in their room and stead; the said Clerk and Treasurer to be sworn to the faithful discharge of the duties of their several offices.

Officers,

SECT. 4. *Be it further enacted*, That Joseph Mansfield, be authorized and empowered to call a meeting of the members of the said association, on the third Thursday of July next, before mentioned, at such place as to him may seem proper.

SECT. 5. *Be it further enacted*, That the Legislature may, from time to time, make further provisions, and regulations for the management of this corporation, and may repeal the whole or part of this act whenever it shall be deemed expedient.

This act subject to repeal.

[This act passed June 20, 1809.]

CHAP.

CHAP. XXX.

An Act in addition to an act, entitled “ an act to divide the county of Kennebeck, and to constitute the northerly part thereof into a county, by the name of The County of Somerset.”

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Supreme Judicial Court, to be holden at Augusta, in the county of Kennebeck, shall be holden for the counties of Kennebeck and Somerset, and shall from time to time have the same jurisdiction, power and authority for the trial of all actions, civil and criminal, the cause whereof has arisen or shall arise, within the body of the county of Somerset, and to hear and determine all other matters and things arisen, or which shall arise within the body of the county of Somerset, and shall have the same jurisdiction in all matters, civil, criminal, and mixed, arisen, or which shall arise in said county of Somerset, as if the same actions, matters and things had arisen within the body of the county of Kennebeck.

Supreme Judicial Court.

Courts, &c.

SECT. 2. *Be it further enacted*, That all business commenced in the Probate Court for the county of Kennebeck, as well as all actions, suits, recognizances, matters and things, pending in the court of Common Pleas and Court of Sessions for the said county, prior to the first day of June in the present year, shall be heard, tried and finally determined in the county of Kennebeck, in the same manner as though the county of Somerset had not been incorporated.

Appeals from the Probate Court.

SECT. 3. *Be it further enacted*, That all appeals which may be claimed according to law, from the decrees or orders of the Judge of Probate for the county of Somerset, shall and may be heard and determined by the Supreme Judicial Court, to be holden in said county of Kennebeck, in the same way and manner as appeals from the orders and decrees of the Judge of Probate for the county of Kennebeck, may be heard and determined.

SECT. 4. *Be it further enacted*, That all persons committed to jail in the county of Kennebeck, from the county

county of Somerset, shall be entitled to the same benefits and indulgences, as though they lived or had their homes in the county of Kennebeck, and it is made the duty of the proper magistrates and officers in the county of Kennebeck, to administer all oaths and perform all the services which may be necessary for that purpose : *Provided*, ^{Provido.} all expenses incurred by the operation of this section of this act, shall be defrayed by the county of Somerset.

SECT. 5. *Be it further enacted*, That the respective Justices of the Peace for the county of Somerset, who shall be duly commissioned and qualified as such, are hereby authorized to issue alias and pluries executions on all judgments, recognizances or acknowledgment of debts, heretofore recovered or taken before them, respectively, as Justices of the Peace for the county of Kennebeck, in the same manner as they might by law have done, as Justices of the Peace for the county of Kennebeck, if said county of Somerset had not been incorporated. ^{Justices of the Peace.}

[This act passed *June 20, 1809.*]

CHAP. XXXI.

An Act repealing the first section of an act entitled, "an act respecting the offices and duties of the Attorney General, Solicitor General, and County Attornies."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the first section of an act entitled "an act respecting the offices and duties of the Attorney General, Solicitor General and county Attornies," passed on the twentieth day of June, in the year of our Lord one thousand eight hundred and seven, be and the same is hereby repealed.

[This act passed *June 20, 1809.*]

CHAP.

CHAP. XXXII.

An Act to establish a corporation by the name of The Granville Turnpike Corporation.

Persons incor-
porated.

SECT. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Justus Rose, of Granville, in the county of Hampshire, together with such others as have or may hereafter associate with him, their successors and assigns, be and they hereby are made a corporation by the name of The Granville Turnpike Corporation, for the purpose of making and keeping in repair a turnpike road from the south line of this Commonwealth, at or near the ending of a turnpike road lately established by the state of Connecticut, from the city of Hartford, to said south line of Massachusetts, thence through the east parish of Granville into the town of Blanford, in the same course and direction in which the road of the Eleventh Massachusetts Turnpike Corporation was lately located, till it intersects a county road near the house of Jedidiah Smith, Esq. leading from Blanford to Loudon ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act, entitled an "act defining the general powers and duties of Turnpike Corporations," passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five.

SECT. 2. *Be it further enacted*, That the said corporation shall be allowed to erect one gate on the said road, at or near the dwelling house of the said Justus Rose.

[This act passed June 20, 1809.]

CHAP. XXXIII.

An Act supplementary to the act, for providing and regulating of Prisons.

SECT. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that any person confined in any prison,
who

who hath given, or may hereafter give bond for the liberty of the yard, pursuant to the act, to which this is a supplement, may and shall be at liberty hereafter in the day time to pass over any highway, or into any houses, lands or tenements, within the limits of the yard, as fixed and determined by the courts of sessions, and to abide and remain therein without being deemed to have committed an escape, or forfeited any such bond; *Provided however*, that nothing herein contained shall be construed to authorize any trespass upon the property or possession of the owner, or tenant of any such houses, lands or tenements, or to affect any action or suit now pending upon any such bond.

Prisoners to have the liberty of the yard.

Provide.

SECT. 2. *Be it further enacted*, That no action shall hereafter be maintained for the breach of any bond given or to be given, for liberty of the yard as aforesaid, unless such action be brought within one year from and after such breach; *Provided*, that nothing herein contained shall affect any action or suit, now pending on such bond as aforesaid.

No action to be brought for breach of bond, except within one year.

Provide.

[This act passed June 20, 1809.]

CHAP. XXXIV.

An Act to incorporate Nicholas Thorndike and others, into a company by the name of The Beverly Marine Insurance Company.

SECT. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nicholas Thorndike, William Leach, and Josiah Gould, and all others who have already, or shall hereafter become Stockholders in the said company, being citizens of the United States, be, and they hereby are incorporated into a company, or body politic, by the name of The Beverly Marine Insurance Company, for and during a term which shall not exceed twenty years from the passing of this act, and by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal which they may alter at their pleasure, and may purchase, hold and convey

Persons incorporated.

vey any estate real or personal, for the use of said company, subject to the restrictions hereafter mentioned.

Capital Stock. SECT. 2. *Be it further enacted,* That the capital stock of said company, exclusive of premium notes, or profits arising from the business of said company, shall be one hundred thousand dollars, of which not more than twenty thousand dollars shall at any time be invested in real estate; and said capital stock shall be divided into one thousand shares.

Directors. SECT. 3 *Be it further enacted,* That the stock, property and interests of said company, shall be managed and conducted by seven Directors, who shall hold their offices respectively one year, and until others shall be chosen, and no longer; and shall be elected on the fourth Monday of July, in each and every year, at such time of the day, and in such place in the town of Beverly, as a majority of the Directors for the time being shall appoint; of which election publick notice shall be given in the Salem Gazette, or in some other Newspaper, which shall be printed in the town of Salem, two weeks successively, immediately preceding said election; and the Directors who shall be chosen, shall meet as soon as may be after each election, and shall choose one of their number to be President, to continue in office for one year; and

President. the President and Directors who shall be thus elected,
To be sworn. shall be sworn to the faithful discharge of the duties of their respective offices; and in case of the death, resignation or inability to serve of the President, or of any Director, such vacancy, or vacancies shall be filled for the remainder of the year, in which they shall happen, by a special election for the purpose, which shall be notified and holden in the same manner herein before prescribed respecting annual elections of Directors; and all elections and other questions shall be decided by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *Provided,* that no stockholders shall be allowed more than ten votes, and that in the choice of Directors the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe; and the said Directors shall have power to allow to the President annually, a reasonable salary or compensation for his services.

SECT.

SECT. 4. *Be it further enacted*, That no person shall be eligible as a Director of the company by this act established, who shall not be a stockholder in said company, or who shall be a director of any other company, carrying on the business of Marine Insurance.

Qualifications
of Directors.

SECT. 5. *Be it further enacted*, That the President and Directors shall have full power to make and prescribe such bye laws, rules and regulations, as to them shall appear needful and proper, respecting the management of the stock, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed; the meetings of the stockholders, and of the Directors, the manner of voting in such meetings, and all such matters as appertain to the business of Marine Insurance; and shall also have power to appoint a Secretary and so many Clerks, agents and servants, as they shall find to be necessary, and to allow to the persons who shall be thus appointed, reasonable salaries and compensations: *Provided*, that such bye laws, rules and regulations be not repugnant to the constitution or laws of this Commonwealth.

Provided.

SECT. 6. *Be it further enacted*, That the sum of thirty dollars on each share of the capital stock of said company shall be paid within thirty days after the first meeting of the stockholders, and that the residue of each share shall be paid within twelve months from the term limited for the said payment, at such instalments, and in such manner, and under such penalties, as the said company shall direct.

SECT. 7. *Be it further enacted*, That there shall be stated meetings of the Directors, at least four times in each year, and whenever the President and Directors shall deem proper; and the President and a committee of two of the Directors to be by him appointed in rotation, shall assemble daily, if necessary, for the transaction of business; and the said board of Directors or the President and committee aforesaid, shall have power and authority on behalf of the company, to make insurances on vessels, freights, money, goods, and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon bottomry and respondentia, and to fix the premium and

Meetings.

Insurance.

Policies to be
subscribed by
the President.

terms of payment ; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness or inability, or absence, by any two of the Directors, and countersigned by the secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of the company ; and all losses arising under any policy so subscribed, may be adjusted and settled by the President and board of Directors, and the same shall be binding on the company : *Provided*, that no insurance shall be made by the said President, Directors or company until the said first instalment of thirty dollars on each share of the capital stock, shall be fully paid.

Proviso.

Amount of
stock to be pub-
lished.

SECT. 8. *Be it further enacted*, That the President and Directors of said company shall, previous to their subscribing any policy, and once in every year after publish, in some Newspaper printed in Salem, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk ; but in no case shall they be allowed to take a greater sum than ten per centum on the amount of their capital stock actually paid in.

Individual ef-
tates made ac-
countable.

SECT. 9. *Be it further enacted*, That in case of any loss or losses taking place, equal to the capital stock of said company, or to the amount of said capital stock, actually paid in, if the President or Directors knowing of such loss or losses, shall subscribe to any policy or policies of insurance, the said President or Directors and their estates shall be liable and accountable, jointly and severally, for the amount of any and every loss which shall take place under policies so subscribed.

SECT. 10. *Be it further enacted*, That it shall be the duty of the President and Directors on the fourth Monday of January and July, in every year, to make dividends of so much of the interest arising from their capital stock, and the net profits of the said company, as to them shall appear advisable, except monies received, and notes taken for premiums on risks yet undetermined, which shall not be considered as part of the profits of the company ; which dividends shall be payable at the office of the company, and in case of any loss or losses, whereby the capital stock of the company shall be lessened before all the instalments are paid in, each stockholder's estate shall be accountable

accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place; and no subsequent dividend shall be made, until a sum arising from the profits of the business of the company equal to such diminution shall have been added to the capital; and that once in every three years, and oftener if required by the stockholders, the Directors shall lay before the company at a general meeting an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SECT. 11. *Be it further enacted*, That the said company shall not, directly or indirectly, be concerned in buying or selling any goods, wares, merchandize or commodities whatever; and the capital stock of said company, except that part which shall be invested in real estate, shall within the term of six months after payment of the same, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States bank, or of any incorporated bank in this Commonwealth, at the discretion of said company. Stock to be invested.

SECT. 12. *Be it further enacted*, That the President and Directors of said company shall, whenever required by the Legislature of this Commonwealth, lay before them a true statement of the affairs of said company, and shall submit themselves to examination under oath concerning the same.

SECT. 13. *Be it further enacted*, That Nicholas Thordike, William Leach, and Josiah Gould, aforesaid, or any two of them, are hereby authorized to call the first meeting of the members of said corporation, as soon as may be, in said Beverly, by advertising the same for two weeks in the Salem Gazette, printed in the town of Salem. First meeting.

[This act passed June 20, 1809.]

CHAP. XXXV.

An Act to provide for the storing and safe keeping of Gunpowder in the town of Cambridge, and to prevent damage from the same.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That after the first day of September next, it shall not be lawful for any person living in said town, to keep or have in any house, store, or other building within said town, except such building as shall be provided for that purpose, and approved by

Weight limited. by the fire-wards and selectmen of said town, more than fifty pounds weight of gun-powder at any one time, nor any quantity thereof, unless the same shall be kept in brags, copper, or tin cannisters; and if any person or persons shall so have or keep in any building, any gun-powder contrary to the provisions aforesaid, he shall forfeit and pay the full value of the same, one moiety thereof to the use of the person who shall inform, complain or sue for the same, and the other moiety to the treasurer of the town of Cambridge, to the use of the poor of the town aforesaid, to be recovered with costs, by information or indictment in the court of Common Pleas, or by action on the case before any court, having by law jurisdiction and power to try the same; and any Justice of the Peace of said county, on information supported by oath, is hereby authorized to issue his warrant, returnable to himself within sixty days, directed to any fire-ward or constable of said town of Cambridge, requiring him forthwith to seize any quantity of gun-powder kept in any building in said town, contrary to this act, and to remove the same to the powder house, to be there kept as security for the penalty incurred by the owner or possessor thereof, and until such penalty, with the cost of seizing, removing and storing the same, shall have been paid; and such fire-ward, or constables having such warrant may seize and remove any such gun-powder in the day time, giving notice to the owner of said powder, or occupant of the building where the same may be found, by reading such warrant to him, or leaving an attested copy thereof at his usual place of abode in said town. And the keeper of the powder house shall

Penalty.

Justice to issue his warrant.

shall receive and keep the same until the clerk of the Court in which the information, indictment or action of the case had been pending, shall certify that said suit or process is at an end, and settled, or unless property shall have been attached on said process, or security given by the person who has incurred the forfeiture, to respond the judgment. And in every case the proprietors of the powder house shall have a lien on the powder stored therein, for their fees due for such storage.

SECT. 2. *Be it further enacted*, That John Hayden and his associates, be and hereby are incorporated and made a body politick by the name of the Powder House Corporation, and may have and enjoy all the powers and privileges, which are by law incident to corporations, for the purpose of building a powder house in Cambridge, aforesaid, for the storage and safe keeping of gunpowder; and to purchase and hold a suitable piece of land on which to erect the same, the place and building to be approved and accepted by the firewards and selectmen of Cambridge.

Persons incor-
porated.

SECT. 3. *Be it further enacted*, That said Powder-house Corporation, shall constantly keep a suitable person, who shall be approved by the fire-wards of said town to superintend said powder house, and shall be obliged to receive and deliver powder into and from the same, and shall be allowed to receive at the rate of five cents per month, for the storage of every cask of gunpowder containing twenty five pounds, and in proportion for a larger or smaller quantity; and at the rate of two and a half cents per month for every cask of like weight for every month after the first, during all the time which it shall be stored or kept therein, and twenty five cents upon each delivery of any quantity thereof; and the proprietors of said powder house shall be held responsible both in the corporate and individual property to any owner or depositor of powder in said house, for any damage arising from the deficiency of said house, or the refusal, delay, or gross negligence of the keeper.

Superintend-
ant—

His duty, and
fees.

SECT. 4. *Be it further enacted*, That the said John Hayden, shall have a right to call the first meeting of said Corporation, by posting up notice thereof at two publick places in said town at least five days previous to such meeting, at which time they may choose such officers for the management of said corporation, as they may

First meeting
called.

may think fit, and make such bye laws for their own regulations, as are not repugnant to the laws of this Commonwealth.

This act sub-
ject to repeal.

SECT. 5. *Be it further enacted*, That the Legislature may at any time after two years from the passing of this act, repeal, alter or amend the same.

[This act passed June 20, 1809.]

CHAP. XXXVI.

An Act in addition to an act, requiring the several incorporated Banks in this Commonwealth, to adopt the Stereotype Steel Plate in certain cases, and for other purposes.

Bills not nego-
tiable.

Penalty.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of September next, no person shall pay in discharge of any contract or bargain, or for any valuable consideration whatever, any bill or bills issued by any bank or banking company, other than the bank of the United States, or the several incorporated banks in this Commonwealth, of the denomination of five dollars, nor any bill or bills issued by any bank or banking company whatever, wherein a fractional part of a dollar is expressed, under a penalty of twenty dollars for each and every bill so paid, to be recovered of the person or persons so paying the same, by action of debt, with costs of suit, or by indictment by the grand jury in the Supreme Judicial Court, Court of Common Pleas, or the Municipal Court in the town of Boston, to the use of the person who shall, within one year thereafter, sue or prosecute for the same; in which suit or prosecution, the person who shall receive the same bill or bills, may be admitted as a competent witness; and the bill or bills which shall be paid as aforesaid shall be forfeited to the use of the person or persons who shall sue or prosecute as aforesaid.

[This act passed June 20, 1809.]

CHAP. XXXVII.

An Act to enforce the payment of Bank Notes.

SECT. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of January next, if any incorporated bank within this Commonwealth, shall refuse or neglect to pay on demand any bill or bills by such bank issued, such bank shall be liable to pay to the holder of such bill or bills, after the rate of two per cent. per month, on the amount thereof, from and after the time of such neglect or refusal ; to be recovered as additional damages in any action against said bank for the recovery of said bill or bills.

Bills payable
on demand.

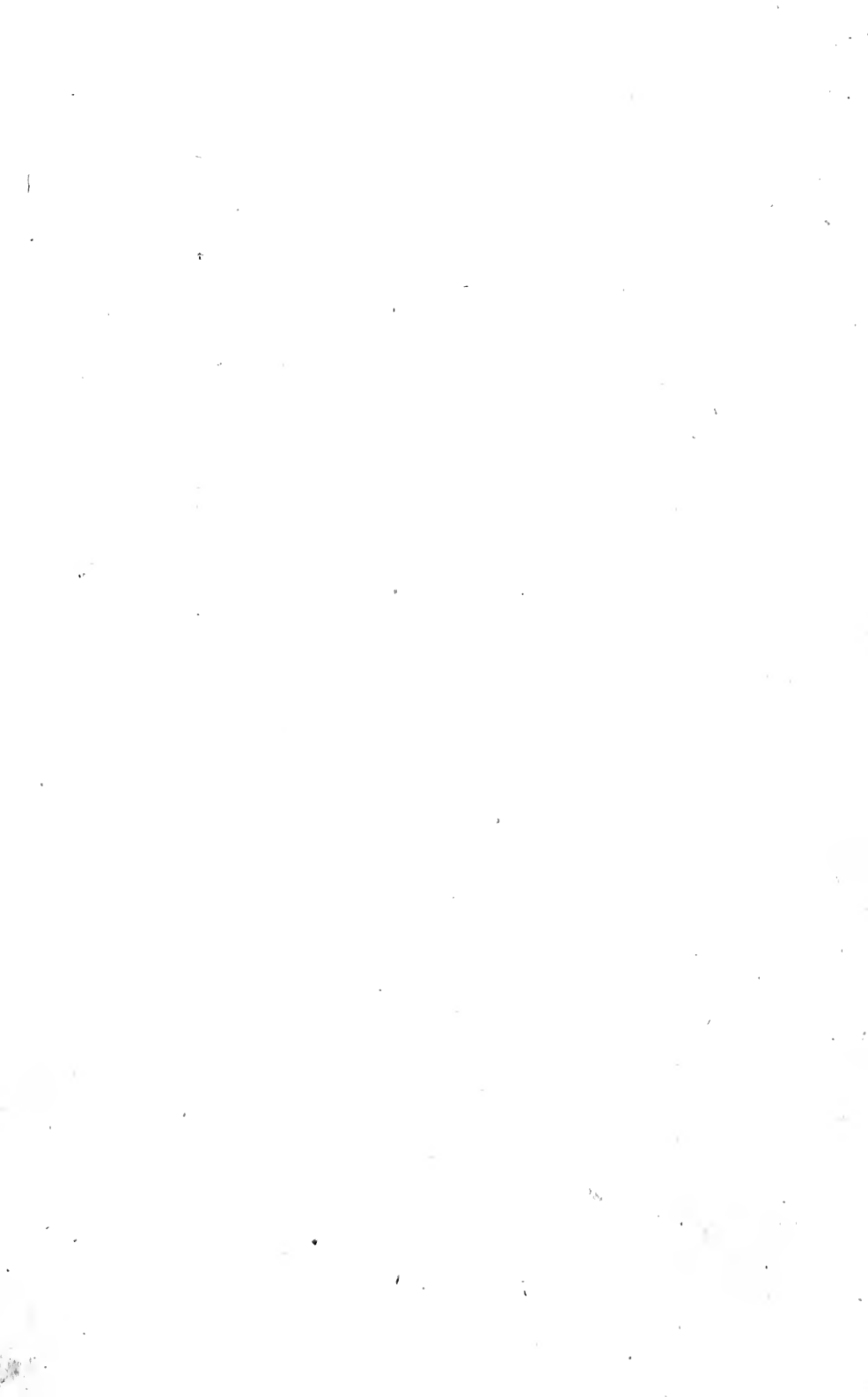
Penalty.

SECT. 2. *Be it further enacted,* That from and after the first day of January next, the bank bills, or notes of any banking company not incorporated by this Commonwealth, other than the bank bills of the United States bank, and its branches; shall not be received as a deposit, or in any other way be negotiated, loaned or passed in payment by any of the banking corporations in this Commonwealth, or by the Boston Exchange Office, under the penalty of one thousand dollars for each offence, to be recovered by action of debt in any court proper to try the same, to the use of the person who shall sue therefor.

Bills not negotiable.

Penalty.

[This act passed June 20, 1809.]



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L A W S

PASSED AT THE SESSION, COMMENCED ON THE
TWENTY-FOURTH OF JANUARY,

ONE THOUSAND EIGHT HUNDRED AND TEN.

CHAP. XXXVIII.

An Act to set off certain lands belonging to the town of Taunton, and to annex them to the town of Berkley.

SECT. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the lands belonging to Simeon Burt, Abner Burt, Edmund Burt, and the heirs of Stephen Burt, deceased, which belong to the town of Taunton, but lie within the bounds of the town of Berkley, with all the buildings standing on the same, be, and they are hereby set off from the town of Taunton, and shall be annexed to, and made a part of the town of Berkly : *Provided however,* That the said Simeon Burt, Abner Burt, Edmund Burt, and the heirs of Stephen Burt, shall be holden to pay their respective proportions of all state, county, town, and parish taxes assessed upon them, and due to the said town of Taunton, prior to the date of this act.

Lands annexed to Berkley.

SEC. 2. *Be it further enacted,* That there shall be taken from the town of Taunton, and be added to the town of Berkly, three cents in the state valuation, which shall be the rule for assessing the said towns for state and county taxes, until there shall be a new valuation taken.

[This Act passed Feb. 6, 1810.]

CHAP.

CHAP. XXXIX.

An Act repealing an act, entitled, An act for regulating Towns, setting forth their power, and for the choice of Town Officers, and for repealing all laws heretofore made for that purpose.

Act repealed.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act, entitled “An act in addition to an act, entitled An act for regulating Towns, setting forth their power, and for the choice of town officers, and for repealing all laws heretofore made for that purpose,” passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nine, be, and the same is hereby repealed.

[This act passed Feb. 6, 1810.]

CHAP. XL.

An Act in addition to an act, entitled, “An act for incorporating certain persons for the purpose of building a bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a further time of one year from and after the second day of March next, be allowed to the proprietors of the Brighton and Cambridge Port Bridge, for building the bridge and road, which they are authorized to build by the act, entitled, “an act for incorporating certain persons for the purpose of building a bridge over Charles River, between Cambridge and Brighton in the county of Middlesex.”

[This act passed Feb. 13, 1810.]

CHAP.

CHAP. XLI.

An Act to incorporate Nathaniel Fairbanks and others, by the name of The Winthrop Cotton and Woollen Factory Company.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Fairbanks, Hushai Thomas, Peleg Benson, Elijah Wood, Adin Stanley, Nathaniel Morton, Luke Perkins, Dean Howard, Peter Stanley, John May, Samuel Benjamin, jun. Joseph Tinkham, Samuel Clark, Samuel Reed and Edmund Frost, together with such others as may hereafter associate with them, their successors and assigns, be and they are hereby made a corporation, by the name of The Winthrop Cotton and Woollen Factory Company, for the purpose of manufacturing cotton and woollen in the town of Winthrop, in the county of Kennebeck; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities prescribed and contained in an act, entitled, "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

SEC. 2. *Be it further enacted,* That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding thirty thousand dollars, and personal estate not exceeding ninety thousand dollars, as may be necessary and convenient for carrying on the manufacture of woollen and cotton in the said town of Winthrop.

[This act passed Feb. 13, 1810.]

CHAP. XLII.

An Act to incorporate The Bible Society of Massachusetts.

Preamble.

WHEREAS the persons hereafter named in this act, together with many other citizens of this Commonwealth, have formed themselves into a Society for the purpose of raising a fund by voluntary contribution, to be appropriated in procuring bibles and testaments of the version in common use in the churches of New England, for distribution among all persons inhabiting within the state and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without the aid of others. And whereas, in order that the pious and laudable objects of said society may be better carried into effect, and the charity of said society more extensively diffused, they have, by their committee, prayed for an act of incorporation.

Persons incor-
porated.

SEC. 1. *BE it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Phillips, Esq. the Rev. John Lathrop, D. D. Rev. Joseph Eckley, D. D. Rev. James Freeman, Rev. Eliphalet Porter, D. D. Rev. Abiel Holmes, D. D. Rev. Ths. Baldwin, D. D. the Hon. William Brown, Francis Wright, Esq. Hon. Isaac Parker, Hon. Peter C. Brooks, John Tucker, Esq. Joseph Hurd, Esq. Mr. Joseph Sewall, Redford Webster, Samuel Parkman, Joseph May, and Henry Hill, Esqrs. the Rev. John Pierce, the Rev. Joseph S. Buckminster, and Mr. Samuel H. Walley, together with those who have associated, and who may hereafter associate with them, for the purposes aforesaid, be and they hereby are incorporated into a society, by the name of The Bible Society of Massachusetts.

Powers and
privileges.

SEC. 2. *Be it further enacted,* That the said William Phillips, and others above named, and their associates, shall be and remain a body corporate, by the said name and title, during the pleasure of the Legislature, and may have a seal which they may alter at pleasure; and the said society shall be capable of taking, and receiving from any persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands and tenements
in

in fee simple or otherwise, and donations, bequests, and subscriptions of money or other property, to be used and improved for the purposes aforesaid.

SEC. 3. *Be it further enacted*, That the said corporation shall be, and hereby are empowered to purchase and hold any real estate other than that which may be given as aforesaid : *Provided*, The value of the whole estate, real or personal, of said society, shall not exceed the sum of one hundred thousand dollars.

SEC. 4. *Be it further enacted*, That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits with power of substitution. May sue and be sued.

SEC. 5. *Be it further enacted*, That said society may choose a President, Vice-President, Treasurer, Secretaries, Trustees, and such other officers as they shall see fit ; and may make and establish such rules and regulations as to them shall appear necessary : *Provided*, The same be not repugnant to the laws or constitution of this Commonwealth. Officers:

SEC. 6. *Be it further enacted*, That William Phillips, Esq. be and he hereby is authorized by notification in any two of the newspapers printed in Boston, to appoint the time and place of the first meeting of said society, at which meeting the said society may appoint the time and place of their annual and other meetings, and the manner of notifying the same ; may choose the officers aforesaid, may prescribe their duty, and may vest in the trustees, the number of which may be determined by the said society, but shall not exceed thirty, such powers, conformable to the principles of this institution, as shall be deemed necessary.

[This act passed Feb. 15, 1810.]

CHAP. XLIII.

An Act for the better security of the town of Charlestown against Fire.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of August

No wooden
buildings to be
erected within
certain limits.

August next, no publick buildings of any kind whatsoever, shall be erected or built in the town of Charlestown within the neck, (so called) from the bridge over the canal, thence to Medford river, by the nearest course, one way, and from the same bridge by the mill pond the other way, unless all the external sides, and ends thereof, shall be built or composed of brick or stone, except so much as shall be necessary for doors and windows.

Other restric-
tions.

And that all other buildings, of any kind whatsoever, hereafter erected, more than twelve feet high from the ground to the highest point of the roof thereof, shall have one of the largest sides, or two ends thereof built of brick or stone, except so much as shall be necessary for doors and windows; when the house or other buildings shall stand with the end to the street, the backs shall be built of brick or stone to the plate; when the front stands to the street, the ends shall be of brick or stone, and shall rise in battlements at least three feet above the roof, and no brick or stone wall shall be deemed sufficient within the meaning of this act, unless the same shall be at least twelve inches thick in the lower story, and eight inches thick above the lower story. And all double houses, viz. where two houses join together, shall have a partition wall, which shall be built of brick or stone at least twelve inches thick, and shall rise in battlements at least three feet above the roof. And every house shall be provided with a scuttle through the roof, and a conveyance to and through the same and a safe railing on the roof of the house; and all additions which shall be made on the ground to buildings already erected, shall be considered within the restrictions and regulations of this act: *Provided nevertheless,* That upon any wharf, marsh or other place, where no sufficient foundation for walls of brick or stone, can be obtained without unreasonable expense, upon permission of the selectmen, wooden buildings may be erected: *Provided,* All the external sides thereof shall be covered with lime, mortar, or some incombustible composition.

Provido.

Penalty for a
breach of this
act.

SEC. 2. *Be it further enacted,* That every person who shall erect, or add to, or cause to be erected, or added to any building in said town of Charlestown within the limits aforesaid, contrary to the true intent and meaning or against the provisions of this act, shall forfeit and pay a fine not less than fifty dollars, nor more than five hundred

dred dollars, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court in the county of Middlesex, which it shall be the duty of the Attorney General and Solicitor General to file, in all cases which may come to their knowledge respectively, or by indictment before said court.

SEC. 3. *Be it further enacted*, That in addition to the fine above mentioned, there shall be laid and assessed upon every house or other building which shall be erected contrary to the provisions of this act, the sum of fifty dollars annually, and it shall be the duty of the selectmen of said town of Charlestown, to return to the assessors of said town annually a list of all such houses or other buildings erected against the provisions of this act, with attested copies of the record of the conviction of the person or persons who erected the same, before the Supreme Judicial Court, and thereupon it shall be the duty of the said assessors to assess upon the owner or owners of such building or buildings for the time being, the sum of fifty dollars, in addition to his, her, or their taxes, which shall be recovered in the same way and manner as other taxes are or shall be collected, and the same remedy is hereby given to the collector or collectors of taxes for the recovery thereof: *Provided nevertheless*, That no such building or buildings shall be subject to such annual tax, until an attested copy of such conviction shall have been duly recorded in the office of the register of deeds for the county of Middlesex, whose duty it shall be to receive and record the same.

Assessments on buildings not conformable to this act.

Provido.

Kettles, &c. to be secured.

Provido.

No person to carry fire, candles or lamps in streets, &c.

SEC. 4. *Be it further enacted*, That every kettle, boiler or copper for the use of any caulker, graver, ship-carpenter, tallow-chandler, soap-boiler, painter, chemist, druggist, or other like artificer, shall be so fixed in brick or stone laid in mortar, as to prevent all communication between the fire, and the substance or substances boiled: *Provided nevertheless*, That no person who may make soap for his or her family use only shall be considered a soap boiler within the intent and meaning of this act.

SEC. 5. *Be it further enacted*, That every person who shall carry any fire through any street or lane, or over any wharf in said town, except in some covered incombustible vessel, or who shall enter any barn or stable, or any other place of danger with a lighted candle or lamp unless in a secure lantern, or shall enter such barn or stable or other place

Penalty.

place of danger with a lighted pipe or segar, shall forfeit and pay for each and every offence the sum of two dollars, to be recovered of the person so offending, or of his or her parent, guardian, master or mistress, before any justice of the peace for the county of Middlesex, upon complaint made upon oath.

Penalty for carrying fire into any rope-walk.

SEC. 6. *Be it further enacted*, That if any person shall have in his or her possession in any rope-walk within said town, any lighted pipe, or segar, candle or lamp, or any fire, except what may be necessary to boil the tar for the use of said rope-walk, the which fire shall be secured as herein before provided, he or they shall forfeit and pay for each offence a sum not exceeding fifty dollars nor less than five dollars, to be recovered in any court proper to try the same.

Selectmen to complain of offences against this act.

SEC. 7. *Be it further enacted*, That it shall be the duty of each and every selectman in the said town of Charlestown, and they and each of them are hereby required to enquire after and give information to the Attorney General or Solicitor General of all offences which may be committed against the true intent and meaning of this act, cognizable before the Supreme Judicial Court, and to some Justice of the Peace for all offences committed against this act, and cognizable by a Justice of the Peace.

Appropriation of fines and assessments.

SEC. 8. *Be it further enacted*, That all the fines, penalties and assessments which shall be recovered by force of this act, shall accrue and enure, one half to the complainant, and the other half to the poor of the town of Charlestown, to be paid to the overseers thereof.

[This act passed Feb. 15, 1810.]

CHAP. XLIV.

An Act in addition to an act, entitled, "an act to divide the county of Lincoln, and to constitute the Northerly part thereof a separate county, by the name of The County of Kennebeck."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of July

July next, the courts of Common Pleas, which shall be held in and for the county of Kennebeck, shall commence on the Mondays next preceding the Tuesdays on which said courts are now respectively by law to be holden, any thing in the act, dividing the county of Lincoln, to the contrary notwithstanding.

Time of holding courts altered.

[This act passed Feb. 16, 1810.]

CHAP. XLV.

An Act to repeal a certain Act passed the tenth day of March, one thousand seven hundred and ninety seven, and a certain Resolve, passed the fifteenth day of March, one thousand eight hundred and five.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act passed the tenth day of March, in the year of our Lord one thousand seven hundred and ninety-seven, entitled, "an act for regulating the taking of shad and alewives, and other fish in Neponset river, and the several streams from the ponds called Punkapaug and Massapaug."—And also a certain resolve, passed the fifteenth day of March, one thousand eight hundred and five, appointing Nicholas Tillinghast and others, a committee, to repair to the several dams on Neponset river, and to order certain alterations to be made on the fish-ways, giving notice to all parties of their proceedings, be and they hereby are respectively repealed: *Provided*, that the said act and resolve aforesaid shall be, and remain in force for the cognizance and trial to final judgment and execution of all such penalties and offences, as have been incurred or committed under the same, before the passing of this act.

Act & Resolve repealed.

[This act passed Feb. 16, 1810.]

CHAP.

CHAP. XLVI.

An Act to set off a part of the town of Hubbardston, in the county of Worcester, and to annex the same to the town of Princeton.

Part of Hubbardston annexed to Princeton.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a part of the town of Hubbardston, together with the inhabitants thereon, as described within the following bounds, be and are hereby annexed to, and made a part of the town of Princeton, viz. beginning at a pine stump, the southeasterly corner of said Hubbardston, thence north forty-one degrees west, two hundred seventy eight rods, to a stake and stones; thence south fifty seven degrees west two hundred and eighty rods, to a stake and stones; thence south forty one degrees east, two hundred and seventy eight rods, to a stake and stones on Princeton line; thence on said line two hundred and eighty rods to the bound first mentioned; and the said inhabitants, hereby annexed to the town of Princeton, shall be entitled to all the privileges, and subject to the same duties and requisitions, as the other inhabitants of said town, according to the constitution and laws of this commonwealth, and in as ample manner as if they had been originally a part of the town of Princeton.

SEC. 2. *And be it further enacted*, That the inhabitants of the said part of the town of Hubbardston, by this act annexed to the said town of Princeton, shall be holden to pay all taxes legally assessed upon them in said town of Hubbardston, and also their proportion of all debts due from the town of Hubbardston, previous to the passing of this act.

[This act passed Feb. 16, 1810.]

CHAP. XLVII.

An act to ascertain and establish the line between the towns of Chesterfield, Goshen, and Williamsburgh, in the county of Hampshire.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the line of jurisdiction between the towns of Chesterfield, Goshen, and Williamsburgh, shall hereafter be as follows, viz. Beginning at a beech tree, marked H. F. and G. F. standing about fifteen rods south of the house where Samuel Mott formerly lived, in said Goshen, running southerly in a line, called and known by the name of the Hubbard line, to a beech saddle, standing in the north line of Northampton, marked N. H. H. E. C. E. with a number of other letters.

[This act passed Feb. 16, 1810.]

CHAP. XLVIII.

An Act to authorize the sale of Parsonage Lands in the South Parish in the town of Andover, in the county of Essex, to raise a fund for the support of the Gospel Ministry, in said Parish, and to appoint Trustees for the management thereof.

WHEREAS the inhabitants of the fourth Preamble. parish in the town of Andover, have petitioned this court for liberty to sell their parsonage or ministerial lands, for the purpose of raising a fund for the support of the ministry :

SEC. I. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Farrar, Joshua Chandler, Benjamin Jenkins, Daniel Cummings, Jacob Osgood, David Abbot, and Simeon Furbush, be, and they hereby are appointed trustees to manage such funds as shall Trustees. be

Made a corporate body.

Powers and privileges.

Clerk and Treasurer.

Certain property vested in the Trustees.

Provido.

be raised and appropriated to the use aforesaid, in and for the said parish ; and for that purpose they are hereby constituted a body politick and corporate, by the name of The Trustees of the Ministerial Fund in the South Parish in Andover ; and they and their successors, to be chosen and appointed in the manner hereinafter prescribed, shall be and continue a body politick and corporate, by that name forever ; and shall have a common seal, and may sue and be sued in all actions real, personal, and mixed, and prosecute and defend the same to final judgment and execution. And the said trustees and their successors, may and shall, annually, elect a clerk, who shall be sworn to the faithful performance of the duties of his office ; and a treasurer, who shall give bond in such sum as the said trustees shall deem adequate, with sufficient surety or sureties, faithfully to account for the monies, and all other property he may receive by virtue of this act.

SEC. 2. *Be it further enacted*, That the real estate belonging to said parish appropriated for the support of the ministry thereof, and the proceeds of the sale of any bark or timber, and money now in the hands of the treasurer of said parish, received as damages awarded by the Court of Sessions, on account of a publick road passing through said lands, be, and hereby are vested in said trustees and their successors ; and the said trustees be, and hereby are authorized to sell and convey the whole or any part of said real estate, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof ; which deed or deeds, subscribed by their treasurer, by direction of said trustees, with their seal thereto affixed, and by him duly acknowledged, shall be good and effectual in law, to pass and convey all the right of said parish in and to said real estate, to the purchaser thereof, to all intents and purposes whatsoever : *Provided however*, That in any sale as aforesaid, the approbation of the said parish shall be first expressed at a legal meeting, duly convened for that purpose, or by a committee for that purpose, by the said parish appointed.

SEC. 3. *Be it further enacted*, That the number of trustees shall not at any time, be more than seven nor less than five, a major part of whom shall constitute a quorum

rum for transacting business ; and the inhabitants of said parish may, at any lawful meeting, duly warned and called for that purpose, remove any of said trustees from their said office ; and whenever any vacancy shall happen in said board of trustees, either by death, resignation or removal, the said parish, at any parish meeting legally warned for that purpose, shall fill said vacancy within one year after it shall happen ; and if the said parish neglect so to do, within that time, then the said trustees, by a major vote, shall have power to fill such vacancy ; and the said trustees shall annually hold a meeting in March or April, and as much oftener as necessary, to transact their business.

Trustees may be removed.

Manner of filling vacancies.

SEC. 4. *Be it further enacted*, That any gift, grant, bequest, or devise, hereafter made to the said trustees, shall be valid and effectual to all intents and purposes whatsoever, and they and their successors as aforesaid, are hereby empowered to take, have, hold, purchase, and exchange, use and improve any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust, for the support and maintenance of the gospel ministry in said parish ; and one sixth part of the net yearly income or interest of said fund and estate, shall by said trustees be annually added to the principal fund to increase the same forever : *Provided*, It shall not increase beyond the limits above prescribed ; and and the remaining five sixths of the said interest or annual income shall be annually paid to the regularly settled and ordained minister or ministers of said parish, in such manner as said parish may direct ; unless the said parish, at a legal meeting for that purpose, duly assembled, shall direct the whole of said income, or any part thereof, more than one sixth, to be put at interest for the increase of the fund ; and such proceeds of said fund, whenever the same shall be so paid to said minister or ministers, shall be deemed to be in satisfaction of his or their salary, for the time being, so far as the same will apply to the discharge thereof ; and during any vacancy in the said parish of a regularly ordained and settled minister, such part of the said income or interest, as would by the provisions of this act be applied to his use, shall be appropriated to the increase of the principal fund, any thing herein to the contrary notwithstanding.

Gifts, &c. made valid.

Proviso.

Fund, how ap-
propriated.

SEC. 5. *Be it further enacted*, That the said fund shall always be holden and claimed to be unalienable, and shall never be used or applied to any other purpose than the support of a settled minister or ministers in said parish, and the principal thereof shall never in any part be expended, but always kept entire, and one sixth of the income shall be annually added to the principal in manner aforesaid ; and the said trustees or their officers, agents, or attornies, for the services they may perform, shall be entitled to no compensation out of any monies arising from the funds aforesaid ; but, if entitled to any, shall have and receive the same of said parish, as may be annually agreed upon.

SEC. 6. *Be it further enacted*, That the said trustees shall cause to be recorded and kept in their book of record, by their clerk or treasurer, a statement of the funds and estate in their hands, wherein shall be particularly designated the amount arising from the sales of the parsonage lands, the nature and amount of every grant or donation, the period when made, the design thereof, and the donor's or grantor's name and place of abode at large, with such other circumstances, as they may think useful, and proper to distinguish the same, and perpetuate the remembrance thereof ; and they shall make report of such statements to the inhabitants of said parish at their meeting in the month of March or April annually, where the same shall be publickly read ; or to a select committee, if said parish shall choose one for that purpose, together with a specifick estimate of what estate they actually hold, and by what tenure ; what money and effects are due to them, and how the same are secured ; what receipts have been obtained, and what payments made by them the preceeding year.

And enlarged.

SEC. 7. *Be it further enacted*, That the said trustees shall always loan upon interest, all the money belonging to said fund, in sums of not less than two hundred dollars each, except from necessity when they have not so large a sum at their disposal, and for the term of one year, upon the bond or note of the borrower, with a mortgage of real estate, situated either in the county of Essex, Suffolk, or Middlesex, of three times the value of the sum loaned, as collateral security for the repayment of the principal sum, with interest annually till paid : *Provided how-*
ever,

Proviso.

ever, That where any of the aforesaid parsonage land shall be sold upon a credit, and with the expectation that improvements will be immediately made upon it, it shall be sufficient to have a mortgage of the estate sold, with an approved surety with the principal ; and if any debtor to said corporation shall fail to pay the interest due on his bond or note for the space of thirty days after the same shall become due, it shall be the duty of said treasurer to cause such bond or note and mortgage to be put in suit, and prosecuted until it shall be obtained.

SEC. 8. *Be it further enacted*, That it shall be the duty of said trustees to use and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to promote the design thereof ; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired or suffer loss, waste, or diminution ; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estate, for such negligence or misconduct, and recover adequate damages therefor ; and any sum, so recovered shall be for the benefit of said fund, and shall be paid accordingly.

SEC. 9. *Be it further enacted*, That Joshua Chandler, Esq. be and he is hereby authorized to appoint the time and place of the first meeting of said trustees, and to notify them accordingly ; and said meetings, after the first, shall be called in such a way and manner, as the said trustees shall direct.

[This act passed Feb. 16, 1810.]

CHAP. XLIX.

An Act to set off the Northerly part of the town of Leeds, and to annex it to the town of Wayne.

Part of Leeds
annexed to
Wayne.

Proviso.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that part of the town of Leeds, in the county of Kennebeck, lying northerly and easterly of a line, beginning on the southwesterly side of the county road, leading from the town of Livermore to the town of Wayne, at the place where the dividing line of Leeds and Livermore intersects said county road, thence south twenty-two degrees and an half east to Amarefcoggen pond, with the inhabitants thereon, be and the same are hereby set off from the said town of Leeds, and annexed to the said town of Wayne, in the same county, and shall hereafter be considered a part of the same: *Provided nevertheless*, That the said tract of land, with the inhabitants thereon, so set off as aforesaid, shall be holden to pay all such taxes as have been legally assessed on them by the town of Leeds, in the same manner as if this act had not been made: *And provided also*, That the said inhabitants, annexed as aforesaid, shall be holden to pay their proportion of certain expenses which have arisen, or may arise to the said town of Leeds in consequence of an indictment now pending against the said town of for deficiency of a road in the said town.

[This act passed Feb. 16, 1810.]

CHAP. L.

An Act to prevent the taking of Fish, in the mouth of Seven-Mile Brook, (so called) in the town of Vassalborough, in the County of Kennebeck.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, no person or persons shall be allowed to draw any
 Taking of fish prohibited—
 seine

seine or seines, or set any net, or erect any wear, within sixty rods of the mouth of Seven-Mile brook, so called, in the town of Vassalborough, or by any other means hinder or obstruct the free passage of fish up said stream, other than such as the fish committee of the said town may direct; and any and every person who will presume to take any fish in the said stream contrary to the intent of this act, shall incur and pay a penalty of ten dollars for each and every breach thereof; and the seine, net, wear, or other instrument employed, shall be forfeited to the said town of Vassalborough; as also all the fish so taken, to be at the disposal of the said fish committee.

Except.

Penalty.

SEC. 2. *Be it further enacted,* That all penalties incurred by any offence against this act, may be sued for and recovered by the treasurer of the said town of Vassalborough, for the time being, before any court in the county of Kennebeck, proper to try the same; and all sums of money so recovered, shall be appropriated to the use of the said town; and in case any minor or minors shall offend against this act, or any part thereof, and thereby incur the penalty aforesaid, the parent, master or guardian of such minor or minors, shall be answerable therefor, in which cases the action shall be commenced against such parent, master, or guardian, (as the case may be) of such minor or minors respectively, and judgment rendered accordingly in the same manner and degree as for his or their personal offence.

Penalties, how recovered.

SEC. 3. *Be it further enacted,* That all laws heretofore made to regulate the taking of fish near the mouth of Seven Mile brook, in the said town of Vassalborough, be and they are hereby repealed.

Former acts repealed.

[This act passed *Feb. 16, 1810.*]

CHAP.

K

CHAP. LI.

An Act to incorporate the Trustees of the Ministerial Fund, in the town of Jay in the county of Oxford.

Trustees. SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel W. Eustis, Oliver Fuller, Scarborough Parker, Moses Crafts, Nathan Crafts, Edward Richardson, and William Chenery, be, and they are hereby appointed trustees to sell the ministry lands in the town of Jay, and to put out at interest the monies arising from such sale, in manner herein after mentioned for that purpose.

Made a body corporate. SEC. 2. *Be it further enacted,* That the said trustees be, and they hereby are incorporated into a body politick by the name of The Trustees of the Ministerial Fund in the town of Jay in the county of Oxford, and they and their successors shall be and continue a body politick and corporate by that name forever, and they shall have a common seal, subject to alteration at thir pleasure, and they may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

Officers. SEC. 3. *Be it further enacted,* That said trustees and their successors shall annually elect a president; and also a clerk, whose duty it shall be to record the doings of said trustees at any of their meetings, in a book or books to be kept for that purpose, and he shall be sworn to the faithful discharge of his duty, and a record thereof shall be made in the books of said corporation, and the said trustees shall annually choose a treasurer, to receive and apply the monies as herein after directed.

Number of Trustees limited. SEC. 4 *Be it further enacted,* That the number of trustees shall not any time be more than seven, nor less than five, two thirds of their number to constitute a quorum for transacting business; and they shall and may from time to time fill up vacancies which may happen by death, resignation or otherwise, from the inhabitants of said town, and shall have power to remove any of their number who may

Vacancies to be filled.

may become unfit, and incapable from age, infirmity, misconduct or any other cause, of discharging their duty, and supply vacancies so made by a new choice from the town aforesaid, and the said trustees shall annually hold a meeting in March or April, and as much oftener as shall be found necessary, to transact their necessary business, which meetings, after the first, shall be called in such way and manner as the trustees shall thereafter direct.

SEC. 5. *Be it further enacted*, That any justice of the peace in said county is authorized to fix the time and place of holding the first meeting of said trustees, and to notify each trustee thereof. First meeting.

SEC. 6. *Be it further enacted*, That the said trustees be, and they hereby are authorized to sell and convey in fee simple, all the ministerial lands belonging to said town, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by the name of the treasurer, by direction of said trustees, with their seal thereto affixed, shall be good and effectual in law, to pass and convey the fee simple from said town to the purchaser, to all intents and purposes whatever. Trustees to sell lands.

SEC. 7. *Be it further enacted*, That the monies arising from the sale of said lands, shall, as soon as may be, be loaned on interest and secured by mortgage of real estate to the full value of the estate sold, or money loaned, or by two or more sufficient sureties with the principal, unless the trustees should think it best to invest the same in publick funded securities or bank stock, which they may do. Monies to be loaned on interest.

SEC. 8. *Be it further enacted*, That the interest arising from said funds shall be annually applied towards the support of publick worship in said town of Jay in such way and manner as said town may direct, and it shall never be in the power of said town to alter or alienate the appropriation of the fund aforesaid. Appropriation.

SEC. 9. *Be it further enacted*, That the treasurer of the trustees shall give bond to said trustees, conditioned faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies that may come into his hands, conformable to the true intent and meaning of this act, and for any neglect or misconduct of any kind in his office. Treasurer's duty.

No compensation allowed to be taken from the fund.

SEC. 10. *Be it further enacted,* That the trustees or their officers for the services they may perform, shall be entitled to no compensation out of said monies arising from the fund aforesaid, but if entitled to any, shall have and receive the same from said town.

SEC. 11. *Be it further enacted,* That the said trustees and their successors shall exhibit to the town at their annual meeting in March or April, a regular and fair statement of their doings

Trustees responsible to the town.

SEC. 12. *Be it further enacted,* That the said trustees and each of them shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit to be for the use aforesaid.

[This act passed *Feb. 24, 1810.*]

CHAP. LII.

An Act to incorporate the Trustees of the Ministerial Fund in Woburn.

Trustees incorporated.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Franklin Baldwin, William Jones, Bartholomew Richardson, jun. Jacob Peirce, and Daniel Wyman, be, and they are hereby constituted a body politic and corporate by the name of The Trustees of Woburn Ministerial Fund; and they and their successors shall be and continue a body politic and corporate by that name forever; and they may have a common seal, which they may alter or change at pleasure; and by that name they may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution.

SEC. 2. *Be it further enacted,* That the said corporation shall and may annually elect a president, and a clerk to record the doings and transactions of the trustees at their meetings, and a treasurer to receive and apply the monies herein after mentioned, as herein after directed, and any other

other needful officers for the better managing of their business.

SEC. 3. *Be it further enacted*, That the number of trustees shall not, at any one time, be more than seven Four Trustees may transact business. nor less than five, and four of them may constitute a quorum for transacting business; and the town, or congregational society, as the case may be, at a meeting legally warned for that purpose, shall and may, from time to time, fill up any vacancies in their number, which may happen by death, resignation or otherwise, and may also remove any of their number who may become unfit or incapable from age, infirmity, misconduct, or any other cause, to discharge their duty, and to supply any vacancy so made, within twenty days after it shall happen, by a new choice, from the members of the congregational society in Woburn; and in case said town or society neglect so to do within that time, then said trustees, by a major vote, shall have power to fill up such vacancy from the society aforesaid, saving to the legislature a right, at any future time, to make such further provisions, relative to the filling up all vacancies which may happen in said board, as they may think proper; and said trustees shall annually hold a meeting in the month of January, and as much oftener as may be necessary, to transact their business; which meetings, after the first, shall be called in such manner as the trustees may direct. Powers.

SEC. 4. *Be it further enacted*, That the clerk of said corporation shall be a member thereof, and shall be sworn Clerk, his power and duty. in the same manner as town officers, to the faithful performance of the duties of his office; and he shall have the care and custody of all papers and documents belonging to said trustees, and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereto required, and he shall call meetings when thereto directed by any one or more of said trustees, and do whatever else may be incident to his said office; and he shall deliver up to his successor in office, as soon as may be, all the records, papers, and documents in his hands, in good order and condition; and if he shall neglect so to do for the space of thirty days, next after such successor shall be duly appointed, he shall forfeit and pay to said corporation

Penalty. a fine of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards.

Power and duty of the Treasurer. SEC. 5. *Be it further enacted*, That the treasurer of said trustees shall be the receiver of all monies and effects due, owing and coming to them, and may demand, sue for and recover the same in their name, unless prohibited by them; and he shall have the care and custody of all the money and effects, obligations and securities for the payment of money, and other things, and all evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispoſe of the same as they shall order and direct, and shall render an account of his doings, together with a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done; and shall deliver up to his ſucceſſor in office, as ſoon as may be, all the books and papers, property and evidences of property in his hands, in good order and condition, and shall give bond to the ſaid trustees and their ſucceſſors, with ſufficient ſureties, to be approved by them, in a ſum not leſs than five thouſand dollars, conditioned to do and perform all the duties incumbent on him as their treasurer; and if he ſhall fail to deliver up the ſame, as aforeſaid, for the ſpace of thirty days next after ſuch ſucceſſors ſhall be duly choſen, he ſhall forfeit and pay to ſaid corporation a fine of fifty dollars, and the further ſum of thirty dollars per month, for ſuch neglect afterwards.

Penalty.

Fund, how raiſed and regulated. SEC. 6. *Be it further enacted*, That the ſaid trustees and their ſucceſſors in office be, and they hereby are veſted with full power to receive into their hands all monies, or ſecurity for money, already received, and that now is or hereafter may be in the hands of the treasurer of the town of Woburn, being a ſurplus of money obtained by the late ſale of the pews in the new congregational meeting-house in ſaid town, over and above the coſt of ſaid houſe, and all other monies, ſubſcriptions, donations, and ſecurity for real or perſonal eſtate that may hereafter be given, raiſed or ſubſcribed, and appropriate the ſame according to the intention and direction of the donor or donors within the provisions of this act: *Provided however*, That ſaid trustees ſhall not at any time be in poſſeſſion of a capital, the annual income of which, to ſaid ſociety, ſhall exceed the ſum of two thouſand dollars.

Proviſo.

SEC. 7. *Be it further enacted*, That it shall be the duty of said trustees to use and improve such funds or estate as shall be vested in them by this act, with care and vigilance, so as best to promote the design thereof; and shall always loan upon interest all the money belonging to said funds, in such sums, and for such term of time, not exceeding one year, as they shall think proper, upon the bond or note of the borrower, with at least two sureties for the payment thereof; and they shall not at any time loan any sum exceeding the amount of one hundred dollars, without a mortgage on real estate to three times the amount loaned, as collateral security for the payment of the same, with interest annually; and it shall be the duty of said trustees to loan the interest arising from said fund in manner as aforesaid, until the annual interest of the whole funds amount to the sum of two hundred dollars, then it shall be their duty to apply the same towards the salary of the ordained minister of said congregation; and it shall be considered as part payment thereof; and in case said society shall be destitute of an ordained minister, then the annual interest aforesaid shall be put out at interest and secured as aforesaid to increase the said fund, until a minister shall be settled again, and in case the whole of the annual income should be more than sufficient to pay the salary of the Minister for the time being, agreeable to the contract with him, then the surplus shall be added to the principal, until the income shall amount to one thousand dollars yearly, unless said town or society, as the case may be, at a legal meeting called for that purpose, shall otherwise appropriate the same, which they are authorized to do, but never to alienate, or in any wise alter the fund aforesaid.

Monies to be loaned at interest.

SEC. 8. *Be it further enacted*, That the trustees may alienate by good and sufficient deeds in law, any real estate, the title whereof shall be vested in them by way of mortgage, or by operation of law.

Trustees may alienate Land by deed.

SEC. 9. *Be it further enacted*, That the trustees or their officers, for the services they may perform shall be entitled to no compensation out of any monies arising from the fund aforesaid, but if entitled to any, shall have and receive the same of said town or congregational society, as the case may be, and as may be mutually agreed on.

No compensation for services to be taken from the Fund.

SEC.

Accounts of
Trustees to be
exhibited.

SEC. 10. *Be it further enacted*, That said trustees and their successors shall, each year, in the month of March or April, at the annual meeting of said town or congregational society, as the case may be, or oftener if said town or congregational society shall require it, exhibit a fair statement of their proceedings, and of the state of the funds under their management, and are hereby severally made amenable and liable in law to answer to said town or society, out of their own estates for any embezzlement, neglect or wilful mismanagement of said fund.

SEC. 11. *Be it further enacted*, That Benjamin Franklin Baldwin, be. and he hereby is authorized and empowered to fix the time and place for holding the first meeting of said trustees, and notify each trustee thereof.

[This act passed Feb. 24, 1810.]

CHAP. LIII.

An Act to incorporate certain persons by the name of The Proprietors of the Newburyport Athenæum.

Preamble.

WHEREAS the persons herein after named, together with sundry other persons, have associated for the laudable purpose of promoting learning and diffusing useful knowledge by establishing a repository for valuable and rare productions in the various arts and sciences, and polite literature, and for collecting the most important tracts, pamphlets, and documents, illustrative of the natural and civil history of our country, of the genius, policy, and laws of the general and state governments, and of the manners, customs, and interests of the American people; and whereas in pursuance of their design, they have at considerable pains and expense collected many valuable works, with a great variety of important tracts, pamphlets and documents, to which they intend to make additions from time to time as they may have ability and opportunity, and whereas the object of their association is of publick utility as well as of great advantage to those more immediately interested therein, and ought therefore to be encouraged. Therefore,

SEC.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Andrews, Edward Little, William Woart, William Bartlett, James Morfe, Jeremiah Nelson, Daniel A. White, Thomas Cary, Samuel L. Knapp, Joseph Dana, Daniel Dana, Stephen Howard, and Nathaniel Bradstreet, the present trustees of said association, together with their associates and such other person or persons as shall from time to time be admitted members of the said association, according to the rules, orders, and conditions, which shall or may from time to time be established by the bye laws or regulations of the corporation, be and they are hereby created a body politick and corporate, and shall forever hereafter continue a body politick and corporate, by the name of The Proprietors of the Newburyport Athenæum, and by the said name shall and may sue and be sued, plead and be impleaded, defend and be defended, in all and any court or courts of law and elsewhere, in all manner of actions, suits, pleas, and controversies whatsoever, and in their said corporate capacity and by their said name, they and their successors shall be capable to purchase, receive, have, hold, take, possess, and enjoy, in fee simple or otherwise, lands, tenements, rents, and hereditaments, not exceeding in the whole the yearly value of one thousand dollars, exclusive of the building or buildings which may be actually occupied or used for the purpose aforesaid, and the said corporation shall be capable of taking, receiving and holding, by donation, subscription, bequest, or otherwise, money, goods, chattels, effects, and credits, to an amount, the yearly value of which shall not exceed two thousand dollars, so as that the estate aforesaid be appropriated for the purposes aforesaid, and for the promotion of learning and useful knowledge; and moreover the said corporation shall have power to give, grant, sell, alien, convey, exchange or lease, all or any part of their lands, tenements and other property whatsoever, for the benefit and advantage of said corporation.

Persons incorporated.

Powers and Privileges.

SEC. 2. *Be it further enacted,* That it shall and may be lawful for the said corporation to have a common seal for their use and benefit, with full power to alter, change, and renew it whenever they shall think the same expedient.

SEC. 3. *Be it further enacted*, That the said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the associates or proprietors to convene at such meetings, and they shall have power to elect, once in every year, or oftener, from amongst the said proprietors, such officers, with such power as they shall judge expedient, and also further to ordain and enact any bye laws for the due government of the said corporation, and for the due and orderly conducting of the affairs thereof, and for and concerning all matters and things relating to said corporation, and the same at pleasure to alter, amend or repeal: *Provided however*, That the powers vested in the said officers and said bye laws, shall not be repugnant to the constitution and laws of this commonwealth.

Proviso.

SEC. 4. *Be it further enacted*, That for the giving the more effectual sanction to the said bye laws, the said proprietors shall have power to impose suitable fines, not exceeding three dollars, for the nonfulfilment or breach of the same, and that for the recovery thereof, the said corporation shall have a suitable remedy by action at law, in any court of law within this commonwealth proper to try the same.

Corporation to be subject to the control of the Legislature.

SEC. 5. *Be it further enacted*, That the legislature of this commonwealth, may, from time to time, appoint a committee or committees to examine the state of affairs of said corporation, and the manner in which the same may be administered, and that the said legislature may at any time alter, amend, or repeal the charter of said corporation at their pleasure, reserving however to the proprietors for the time being, their property in the buildings, funds, books, and other property at such time appertaining to the said corporation.

Treasurer may sell shares of delinquent proprietors.

SEC. 6. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment duly imposed upon his share or shares in said corporation, for the space of sixty days after the time set for the payment thereof, the treasurer of the said corporation is hereby authorized to sell at publick vendue the share or shares of such delinquent proprietor, after duly notifying in some news-paper printed in the town of Newburyport, the sum due on such share or shares, and the time and place of sale

at

at least thirty days before the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold, to the person purchasing, and upon producing a certificate of such sale from such treasurer, such purchaser shall be entitled to a transfer of the share or shares so sold on the books of the corporation, and shall be considered to all intents and purposes the proprietor thereof, and the overplus of such sale, if any there be, after payment of such assessment, and incidental charges, shall be paid on demand by such treasurer to the person whose shares were so sold as is before provided.

SEC. 7. *Be it further enacted*, That the said John Andrews, Edward Little, William Woart, William Bartlett, James Morse, Jeremiah Nelson, Daniel A. White, Thomas Cary, Samuel L. Knapp, Joseph Dana, Daniel Dana, Stephen Howard, and Nathaniel Bradstreet, or any three of them, shall have power to call the first meeting of the said proprietors, by advertising the same three weeks successively before the time of such meeting, in some newspaper printed in the town of Newburyport, and that at the said meeting the said proprietors may proceed to execute any or all the powers vested in them by this act. First Meeting.

SEC. 8. *Be it further enacted*, That the trustees and proprietors of the corporation aforesaid be, and they hereby are made jointly and severally liable in their respective persons and estates on all contracts and engagements, which shall be made and entered into, by virtue of the powers vested by this act in the said corporation, or in any officer of the same. Private property liable to attachment.

[This act passed Feb. 24, 1810.]

CHAP. LIV.

An act further to continue in force, “an act for regulating the passage-way for fish, through the dam, at the mouth of Stoney Brook, so called, in the town of Chelmsford, in the county of Middlesex.”

SEC. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority

Former Act
extended.

thority of the same, That an act made and passed on the ninth day of March, in the year of our Lord one thousand, eight hundred and four, entitled, "An act in addition to an act, entitled, An act to regulate the catching Salmon, Shad, and Alewives, and to prevent obstructions in Merimack river, and in the other rivers and streams running into the same in this commonwealth, and for repealing several acts heretofore made for that purpose," be, and the same is hereby further continued in force, until the ninth day of March, which will be in the year of our Lord one thousand eight hundred and twelve, any limitation in the same act contained to the contrary notwithstanding.

[This act passed Feb. 24, 1810.]

CHAP. LV.

An act in addition to an act, entitled, "an act to establish a Corporation, by the name of the Brush-Hill Turnpike Corporation."

Corporation
not entitled to
receive toll in
certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the Brush-Hill Turnpike Corporation shall not be entitled to demand or receive any Toll from any person or persons who may be passing in any manner whatsoever for the purpose of discharging military duty, or to, or from, his, her, or their usual places of publick worship, or to, or from, any grist mill, or on the common and ordinary business of family concerns; nor from any person or persons residing within the limits of the town in which a Toll gate may be erected, unless going or returning with loaded teams or carriages from beyond the limits of the same.

Proviso repealed.

SEC. 2. *Be it further enacted*, That the first Proviso, in the fourth section of the act, entitled, "an act to establish a corporation by the name of the Brush-Hill Turnpike Corporation," be, and the same is hereby repealed.

[This act passed Feb. 24, 1810.]

CHAP. LVI.

An Act, in addition to an act, entitled, "An act authorizing the disposal of the Parsonage Lands in the town of Fryburgh, by sale or lease, to raise a fund for the support of the ministry, and appointing trustees therefor," passed on the eighth day of March, one thousand eight hundred and eight.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the trustees of the ministerial fund in the town of Fryburgh be, and they are hereby authorized and empowered from and after the passing of this act, to appropriate annually, one hundred dollars of the interest arising from the fund aforesaid, toward the payment of the Rev. Francis L. Whiting's salary, so long as he continues in the work of the ministry in that place; any thing in the act entitled "An Act authorizing the disposal of the parsonage lands in the town of Fryburgh, by sale or lease, to raise a fund for the support of the ministry, and appointing trustees therefor," passed on the eighth day of March, one thousand eight hundred and eight, to the contrary notwithstanding.

Further powers vested in the Trustees.

SEC. 2. *Be it further enacted,* That said trustees be, and they are hereby authorized and empowered to receive any sums of money which arose from the rents of the Parsonage lands in said town, before the passing of the act to which this is in addition, and to manage and appropriate the same in the manner they are required by the act aforesaid to manage and appropriate the money arising from the sale of the Parsonage land in said town of Fryburgh.

SEC. 3. *Be it further enacted,* That said trustees are hereby authorized and empowered to receive any grants, or donations which have already, or which may hereafter be made for the increase of the fund aforesaid, and to manage and appropriate the same, agreeable to the intention of the donor.

[This act passed *Feb. 24, 1810.*]

CHAP.

CHAP. LVII.

An act to set off George Manson and Benjamin Manson from the town of Readfield, and to annex them to the town of Winthrop.

Certain lands
annexed to
Winthrop.

Proviso.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the line between the towns of Winthrop and Readfield in the county of Kennebeck, running easterly from the town of Wayne, shall continue the same course, that it runs when it comes to the lot numbered two hundred and twenty, being the lot of land on which George Manson and Benjamin Manson now live, across said lot, to Chandler's mill pond, so called, thence across said mill pond in a straight line, until it meets the line between the said towns of Winthrop and Readfield, on the easterly side of said mill pond. And the said George Manson and Benjamin Manson, with their families, and so much of their estates, as lie southerly of said line, be, and they are hereby set off from the town of Readfield, and annexed to the town of Winthrop, and shall hereafter be considered a part of the same, there to do the duties and exercise and enjoy privileges equally with the other inhabitants, of said town of Winthrop : *Provided nevertheless,* That he persons above mentioned, with their estates, shall be holden to pay all the taxes which have been legally assessed on them by said town of Readfield, in the same manner, as if this act had never been passed.

[This act passed Feb. 24, 1810.]

CHAP. LVIII.

An Act to incorporate Timothy Burbank and others, by the name of The Agawam Cotton, Woollen, and Linen Manufactory.

SECT. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority*

thority of the same, That Timothy Burbank, Gad Warriner, John Porter, John Norman, Elnathan Baldwin, and Amos Worthington, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of The Agawam Cotton, Woollen and Linen Manufactory, for the purpose of manufacturing Cotton, Woollen and Linen in the south part of the town of West-Springfield; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties of manufacturing Corporations."

Persons incor-
porated.

Powers and
privileges.

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of cotton, woollen, and linen in the south part of West-Springfield aforesaid.

[This act passed Feb. 24, 1810.]

CHAP. LIX.

An Act to incorporate the District of Orange, in the county of Hampshire, as a town, by the name of Orange.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the district of Orange, in the county of Hampshire, with the inhabitants thereof, be, and the same hereby is incorporated and established as a town, by the name of Orange, and is hereby vested with all the powers and privileges, and subjected to the like duties and requirements, of other towns, according to the constitution and laws of this commonwealth.

Orange incor-
porated.

[This Act passed Feb. 24, 1810.]

CHAP.

CHAP. LX.

An Act to incorporate the second Precinct in Plymouth.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands, as described within the following boundaries, with the inhabitants thereon, be, and they are hereby incorporated into a distinct and separate precinct, by the name of *The Second Precinct in Plymouth*, viz. beginning at Elisha's Point, so called, on the northerly side of Elisha Holmes's land, and running westerly, as said line runs, to Ponds road, so called, and from said road, on a straight line, to the north end of Half-way pond, and by said pond to the brook issuing therefrom; and by the said brook, to Wareham line; and on side Wareham line, eastward to Sandwich line, and by said Sandwich line to the sea shore, and by the said shore, to the bounds first mentioned. And the said Second Precinct is hereby vested with all the powers and privileges which are usually held, exercised and enjoyed, by parishes, precincts, or other religious societies, according to the constitution and laws of this commonwealth. And all the acts and proceedings of the said parish heretofore made and done, in pursuance of the consent and votes of the said town of Plymouth, be, and they are hereby confirmed, and rendered valid in law. And any justice of the peace, in the said town of Plymouth, is hereby authorized to issue his warrant, directed to some inhabitant of the said second precinct, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in said warrant to organize the said precinct, by the appointment or election of its officers.

[This act passed Feb. 24, 1810.]

CHAP. LXI.

An Act to regulate the manufacture and inspection of
Stone Lime and Lime Casks.

SEC. 1. **BE** it enacted by the Senate and House of
Representatives in General Court assembled, and by the au-
thority of the same, That from and after the first day of Quality of Lime
and Casks.
June next, no Stone Lime manufactured within this com-
monwealth, shall be sold or exposed to sale, or shipped
on board any vessel, in casks, but such only as shall be
well burnt and pure, and contained in good and sufficient
new casks, to contain fifty gallons each, or one hundred
gallons each, made of well seasoned heads and staves,
with ten good and sufficient hoops on each cask, well
driven and sufficiently secured with nails or pins.

SEC. 2. *Be it further enacted,* That there shall be an Inspectors.
Inspector for the towns of Warren, Thomaston, and
Camden, in the county of Lincoln, to reside in one of
the said towns, to be appointed by the governor, with
the advice and consent of the council, and to be by
them removable at pleasure, upon misbehavior in said
office; who, before he shall enter upon the duties there-
of, shall give bonds, with sufficient surety or sureties, to To give bond.
the treasurer of this commonwealth, in the sum of one
thousand dollars, conditioned for the faithful perform-
ance of the duties of the said office, which bond shall be
taken by the Justices of the court of Common Pleas for
the county of Lincoln; and the said inspector, when
so qualified, shall have power to appoint in each of the May appoint
Deputies.
towns aforesaid, as many deputy inspectors as he shall
judge necessary; for whose good conduct, in the dis-
charge of the duties of their respective offices, he shall be
answerable, and shall take bonds from them to himself,
and his successor in office, with sufficient sureties, in a pe-
nal sum, not exceeding five hundred dollars; and the
said deputy inspectors shall also be sworn to the faithful
discharge of their duty.

SEC. 3. *Be it further enacted,* That it shall be the du- Their duty.
ty of the said inspector, either by himself or his deputy,
to inspect all lime which shall be manufactured in either
M of

of the said towns, when put into casks, and to see that the said Lime and Casks do, in all respects, conform to the provisions of this act; and to brand each of said Casks with the name of the town where the said Lime was burnt, and the first letter of the christian name, and the surname at length, of the inspector, who inspected the same, with the word *Inspected*.

Inspector's fees.

SEC. 4. *Be it further enacted*, That the Inspector, or his deputy, appointed by virtue of this act, shall be paid by the manufacturer or owner of the said Lime *six cents* for each cask of Lime so inspected and branded; and the said Inspector shall be entitled to receive from any deputy he may appoint, *one cent and a half*, for every cask said deputy shall inspect and brand according to this act.

Inspectors chosen by towns.

SEC. 5. *Be it further enacted*, That there may be chosen in each town in this Commonwealth, where Lime is imported by water, at any annual meeting, one or more Inspectors of Lime, who may, at the expence of the purchasers, inspect all Lime imported into or sold in their respective towns or harbours; and such Inspectors shall have a right to demand and receive of every such purchaser *four cents*, for every cask of Lime so inspected.

Fees.

Inspectors of
manufactured
Lime.

SEC. 6. *Be it further enacted*, That each town within this Commonwealth, in which Lime is manufactured, except the towns of Warren, Thomaston, and Camden, shall, at their annual meeting in March or April, choose one or more Inspectors, whose duty it shall be to inspect all Lime manufactured within said town, at the time it is filled at the kiln, and brand each cask in which the same is put, with the word "*Inspected*," and the first letter of his christian name, and his surname at length, with the name of the said town; and he shall receive from the manufacturer or owner of the said Lime *five cents*, for each cask so inspected and branded.

Fees.

No Lime to be
exported till
inspected.

SEC. 7. *Be it further enacted*, That if any person shall presume to sell, or expose to sale, or ship, or receive on board any vessel, in casks, any Lime, other than such as shall be contained in casks made as aforesaid, and having the aforesaid marks or brand, as required by this act, respectively, the offender or offenders shall incur the penalty of *one dollar and fifty cents*, for each cask so sold, or offered for sale, or shipped or received on board any vessel, to be sued for and recovered before any Justice of the Peace,

Penalty.

or

or Court of Common Pleas, as the case may require, by action of debt; and all such Lime and cask or casks shall be forfeited to the use herein after provided. And it shall be lawful for any Justice of the Peace, upon information given, of any such cask or casks of Lime, sold or exposed to sale, or put or received on board any vessel, to issue his warrant, directed to the Sheriff or his deputy, or constable, requiring them, respectively, to make seizure of any such Lime, sold or exposed to sale, or shipped or received on board any vessel, and not made and marked as aforesaid, and to secure the same in order for trial: and such officers are respectively authorized and required to execute the same.

SEC. 8. *Be it further enacted*, That if, after any cask or casks containing Lime shall have been branded as required by this act, any person shall presume to shift the contents of said cask or casks, and put therein any other Lime, with a design to sell the same, such person so offending shall forfeit and pay the sum of *one dollar and fifty cents*, for every cask of Lime so shifted, to be recovered in manner as aforesaid.

No Lime unspected to be put into branded casks.

Penalty.

SEC. 9. *Be it further enacted*, That the Inspectors and deputy inspectors, appointed or chosen by virtue of this act, before they enter upon the duties of their office, shall be sworn to the faithful performance of the trust reposed in them respectively.

Inspectors to be sworn.

SEC. 10. *Be it further enacted*, That all penalties and forfeitures incurred by virtue of this act, shall be, one moiety to the use of the town, in which the offence shall be committed, and the other moiety to him or them who shall inform and sue for the same.

Forfeitures, how applied.

SEC. 11. *Be it further enacted*, That all laws heretofore made, relative to Stone Lime, or Lime Casks, be, and they hereby are repealed, from and after the first day of June next: *Provided nevertheless*, That nothing in this act shall be construed to restrain any manufacturer of Lime, or other person, from retailing Lime by the bushel, or other quantities, not in casks.

Former acts repealed.

Proviso.

[This act passed Feb. 27, 1810.]

CHAP. LXII.

An Act to empower the inhabitants of the town of Plymouth to choose a Board of Health, and for removing and preventing nuisances in said town.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the freeholders and other inhabitants of the town of Plymouth, qualified to vote for town officers, may, in the month of March or April annually, or at any other meeting legally called for the purpose, choose a Board of Health, consisting of five persons; the members of which board of health shall elect a president and a clerk, whose duty it shall be to record the votes and doings thereof; and in case of the death or resignation of any one of the members of said board, the said freeholders or other inhabitants may, at any meeting legally called for the purpose, elect a member to supply his place.

Town of Plymouth may choose a Board of Health.

Their duty.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Board of Health, and each member thereof, to examine into all nuisances, and other causes injurious to the health of the inhabitants, whether the same shall be caused by stagnant waters, drains, common sewers, slaughter houses, tan yards, fish, fish houses, docks, necessaries, hogsties, putrid animal or vegetable substances, or any other cause of whatever kind, which in his or their opinion may be injurious to the health of the inhabitants as aforesaid; and upon complaint on oath being made to any Justice of the Peace, by any member of said Board of Health, or other person, that he suspects any of the nuisances, or causes aforesaid to exist, in any dwelling house, cellar, store or other building, ship or vessel, it shall be the duty of such Justice of the Peace to issue his warrant, directed to the sheriff of the county of Plymouth, or his deputies, or to any constable of the town of Plymouth, commanding him or them, forcibly to enter, and, together with a member of said Board of Health, to search the same in the day time, and upon the discovery of such nuisance, or other cause injurious to the health of the inhabitants,

habitants, to remove the same : *Provided however*, That Provide. no sheriff or deputy sheriff, or constable, shall execute any civil process, either by arresting the body, or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry ; and all services so made, under colour of such entry, shall be utterly void, and the officer making such service, shall be considered as a trespasser, to all intents *ab initio* : And any person or persons who shall resist such search, shall forfeit and pay the sum of *ten dollars*, to be recovered in manner hereafter provided. Penalty for resisting search for nuisances. And it shall be the duty of the Board of Health, upon the discovery of any such nuisance or other cause, injurious to the health of the inhabitants of said town, forthwith to remove the same : and upon complaint to any Justice of the Peace, within the said town, or in said county, made upon oath by one or more of said Board of Health, briefly therein stating the facts, together with the costs of such removal, such Justice shall grant a warrant, therein expressing the substance of said complaint, directed to the sheriff of the county of Plymouth, or his deputy, or any constable of the town of Plymouth, commanding him to notify and require the person or persons, in whose possession, or upon whose estate, such nuisance or other cause aforesaid existed ; or in case of his absence, his agent or attorney to appear forthwith before such justice ; and if such person or persons shall neglect then and there to appear, or appearing, shall not shew good cause to the satisfaction of said justice, why judgment should not pass against him or them ; the said justice shall then and there adjudge, that such person or persons shall pay a fine of *ten dollars*, and the costs of such removal, and double costs of prosecution ; and shall thereupon issue his warrant, directed to the sheriff of the county of Plymouth, or his deputy, or any constable of the town of Plymouth, thereby commanding him to levy the expence of said removal, together with said fine and double costs, on the goods and estate, and for want thereof, on the body of the said occupier or proprietor of the house, land, cellar, docks, store, or vessel in which said nuisances existed ; and said fine shall be paid over to the town treasurer, for the use of said town : *Provided always*, That any person or persons ag- Provide.grieved,

grieved at any judgment of a justice, passed against him or them as aforesaid, shall have a right to appeal therefrom to the court of Common Pleas then next to be holden within and for the county of Plymouth, who shall hear and determine on such complaint, as the case may require, and thereupon render such judgment as the justice is herein before authorized to do in an original complaint to him, with additional costs ; and the judgment of said Court thereon shall be final : *Provided nevertheless*, That no such appeal shall be granted, unless the respondent shall claim the same, on the day on which the justice's judgment shall be rendered ; and shall enter into recognizance with two sufficient sureties to prosecute said appeal with effect. And said Board shall have authority to appoint scavengers, and such other officers to assist them in the execution of their office, as they shall judge necessary ; for payment of whom, and all necessary expenses, which may arise in the exercise of their office, the said Board shall be authorized to draw upon the treasurer of said town.

Proviso.

No putrid or tainted meat to be exposed.

Penalty.

SEC. 3. *Be it further enacted*, That any person who shall offer for sale in the town of Plymouth, or shall have in possession any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof, in manner aforesaid, shall forfeit the sum of *two dollars* for each barrel so offered for sale, or that he shall have in possession ; and it shall be the duty of every licensed packer of provisions and pickled fish, to give information to the Board of Health, or some one of them, of any such meat or fish that shall come to his knowledge ; and shall moreover be sworn before the president of the Board of Health, or some one of said Board, to give such information before he shall execute that trust, after said Board of Health shall have been chosen ; and the said president and members are hereby severally authorized to administer said oath : and if any packer of provisions shall repack any meat or fish that shall be unwholesome, or not fit for use, and be thereof convicted before any court competent to try the same, he shall forfeit two dollars for each barrel so repacked, and shall forever be disqualified for serving again in that capacity ; and no provisions shall be repacked in the said town of Plymouth, between the first day of June, and the first

first day of October, in any year, unless in such place or places therein, where permission therefor shall be obtained in writing, from the board of Health; and any person or persons who shall repack any provisions within the times aforesaid, in the said town of Plymouth, in any place or places where permission therefor in writing hath not been first obtained of said Board of Health, shall forfeit the sum of *two dollars*, for each barrel so repacked.

SEC. 4. *Be it further enacted*, That no person or persons, without first obtaining permission therefor from the Board of Health, or two members thereof, shall kill any sheep or lambs, or expose to sale within said town, between the first day of July and the twentieth day of September, in any year, the meat of any sheep or lambs, which shall have been killed within two days after such sheep or lambs shall have been driven into said town; and every person who, without having first obtained such permission, shall within the times aforesaid, kill any sheep or lambs within said town, within two days after such sheep or lambs shall have been driven into the same, or shall expose or offer for sale within said town, the meat of any sheep or lambs which shall have been so killed, shall forfeit and pay for each offence *fifteen dollars*; and the meat of every sheep or lamb so killed, shall be forfeited; and the said Board of Health, or any two of them, may, and it shall be their duty, to seize and remove the same, and dispose thereof, so as that the health of the inhabitants may not be endangered thereby; and in any action or prosecution against the members of said Board of Health, or either of them, for seizing any meat of sheep or lambs by virtue of this act, the plaintiff or prosecutor shall be held to prove that such sheep or lambs were killed after the expiration of two days from the time the same were driven into the said town, or by permission of said Board of Health.

No creatures to be killed in the town.

Penalty.

SEC. 5. *Be it further enacted*, That no untanned hides shall be stored or kept in the town of Plymouth aforesaid, between the first day of May and the first day of December, except in such place or places as the Board of Health shall direct and appoint; and that all such hides, found in any other place or places in said town, within the times last mentioned, shall be forfeited, unless removed to such place as the Board of Health shall direct, without the

No untanned hides to be stored.

limits

limits of said town, by the owner thereof, within twenty four hours after notice given him by the said Board of Health, or any two of them ; and such hides, so forfeited, shall and may be seized by any two of said Board of Health, and shall and may be libelled and tried in the same way and manner, and by the same process, as is provided for the trial of gunpowder seized according to law. And any person or persons, who shall throw upon the wharves or shores, or into any of the docks in the town, any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit and pay for each offence, a sum not less than *two dollars* nor more than *ten dollars*, at the discretion of the court which may have cognizance of such offence : that all masters of vessels who shall throw upon the wharves or shores, or into any of the docks of said town, without permission from the Board of Health, any filth or sweepings of the vessel's hold, which may endanger the health of the inhabitants of said town, shall forfeit a sum not less than *five dollars*, nor more than *fifty dollars*, for each offence.

Penalty.

Selectmen's
powers trans-
ferred.

SEC. 6. *Be it further enacted*, That all the powers and duties which are given to, and required of the selectmen of the town of Plymouth, by a certain law of this commonwealth, passed the twenty second day of June, one thousand seven hundred and ninety seven, entitled, "An Act to prevent the spreading of contagious sickness ;" and also one other law of said commonwealth, passed the twenty-sixth day of February, eighteen hundred, entitled, "An Act in addition to an act entitled, An Act to prevent the spreading of contagious sickness," shall be, and they hereby are transferred to, and made the duty of the said Board of Health ; any thing in said laws to the contrary, notwithstanding.

Physician to the
Board.

SEC. 7. *Be it further enacted*, That the said Board of Health be, and hereby are empowered, from time to time, to choose a suitable and discreet person to act as a visiting physician to said Board, whose duty it shall be, to visit all vessels coming from any place or places in which the said Board shall think any contagious sickness prevails ; and such physician shall be under the direction of said Board, and may be removed by them, whenever they shall see cause. And whereas, by the eleventh section

tion of the act of this commonwealth, entitled, "An Act to prevent the spreading of contagious sickness," it is enacted, That each town and district in this commonwealth may, at their meeting held in March or April annually, or at any other meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health Committee in the manner, and for the purposes in said eleventh section mentioned.

SEC. 8. *Be it further enacted*, That so much of said law, as respects the future appointment of a Health Committee for the town of Plymouth, be, and the same is hereby repealed; and that the Board of Health to be appointed by virtue of this act, be, and they hereby are made and shall be the Health Committee for the town of Plymouth, and be invested with all the powers and duties which are granted to, or imposed upon said Health Committee, in and by said act. Part of former act repealed.

SEC. 9. *Be it further enacted*, That all penalties and forfeitures arising from this act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the town of Plymouth; and shall be prosecuted and recovered by action of debt, in the name of the President of the said Board of Health, or by information in any court competent to try the same: and it shall be the duty of the Board of Health, and of each member thereof, to pursue and enforce the due execution of the foregoing law, and prosecute all offenders for all penalties and forfeitures which may accrue under the same. Penalties, how recovered and appropriated.

[This act passed Feb. 27, 1810.]

CHAP. LXIII.

An Act to incorporate the Merrimack Bible Society.

WHEREAS the persons hereafter named in this act, together with many citizens of the town of Newburyport and its vicinity, have formed themselves into a society for the purpose of raising a fund to be appropriated in procuring bibles of the version in common use in the churches in New England, for distribution among

Preamble.

N

mong those persons in this Commonwealth, and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without such aid, and also for the distribution of the bible in such other languages as may from time to time be considered expedient; and whereas in order that the pious and laudable objects of said society may be effectually promoted, and the charity of said society more extensively diffused, they have prayed for an act of incorporation.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Coombs, Samuel Spring, John Andrews, Daniel Dana, Charles W. Milton, James Morfs, James Whittemore, John S. Popkin, William Bartlett, Thomas M. Clark, Daniel A. White, John Pearson, Stephen Holland, Richard Pike, and William Woart, together with those who have associated or may hereafter associate with them for the purpose aforesaid, be, and they are hereby incorporated into a society by the name of The Merrimack Bible Society.

Persons incor-
porated.

Corporation to
be subject to
the control of
the Legislature.

Powers and
privileges.

SEC. 2. *Be it further enacted,* That the said William Coombs, and others above named, and their associates, shall be and remain a body politic and corporate during the pleasure of the Legislature, and may have a seal, which they may alter at pleasure; and the said society shall be capable of taking and receiving from any persons disposed to aid the benevolent purposes of this institution, grants or devises of lands and tenements, in fee simple or otherwise, also donations, bequests, and subscriptions of money and other property, to be used and improved for the purposes aforesaid.

SEC. 3. *Be it further enacted,* That the said corporation shall be and they hereby are empowered to purchase and hold other real estate than that which may be given to them as aforesaid: *Provided,* That the value of the whole estates, real and personal, of said society, shall not exceed one hundred thousand dollars.

SEC. 4. *Be it further enacted,* That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits, with power of substitution.

SEC. 5. *Be it further enacted,* That said society may choose a president, vice-president, treasurer, secretaries, managers,

Officers.

managers, and such other officers as they shall see fit, and may make and establish such rules and regulations as to them shall appear necessary: *Provided*, The same be not repugnant to the constitution and laws of this commonwealth.

SEC. 6. *Be it further enacted*, That William Coombs, Esq. be, and he hereby is authorized, by notification in the Newburyport Herald, to appoint the time and place of the first meeting of said society, at which meeting the said society may choose the officers aforesaid, may prescribe their duty, and may vest in the said officers such powers, conformable to the principles of this institution, as shall be deemed necessary. First meeting.

[This act passed Feb. 27, 1810.]

CHAP. LXIV.

An Act, in addition to an act, entitled, “an act to incorporate Joseph Williams, John Balch, and others, into a company by the name of The Union Marine and Fire Insurance Company, in Newburyport.”

WHEREAS the Union Marine and Fire Insurance Company, in Newburyport, have invested the capital stock of the said company, in the manner although not within the time prescribed in said act: Therefore, Preamble.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the act of incorporation of said company be, and the same hereby is established and confirmed, notwithstanding any failure of compliance on the part of said company with the terms of said act, in the mode and time of collecting, and in the time of investing, the capital stock:—And that the rights and privileges of said company shall be, and continue to be, the same as they would have been, had the terms of said act been complied with: *Provided*, That nothing herein contained shall be construed to affect the liability or rights Charter confirmed.
Proviso.

rights of said company, or the rights of any person or persons, who may have been injured by the failure of said company to comply with the terms of said act.

[This act passed Feb. 27, 1810.]

CHAP. LXV.

An Act in further addition to an act, entitled, An Act to incorporate sundry persons into a company by the name of The Proprietors of the Exchange Coffee House.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of the Exchange Coffee House, in their corporate capacity, shall be, and hereby are declared capable to purchase, have, hold, and possess all and singular the lands and buildings in Boston, adjoining or near to the Exchange Coffee House, of which the members of the said corporation, as proprietors in common, are now seized and possessed, and also of all or any part of the land lying between the north side of said Coffee House and State street in said Boston, which they may deem necessary or convenient for the accommodation of said building; and the same or any part thereof, to grant, sell, alien, lease, exchange, manage and improve in such mode, as they are, or may by law be authorized to do, with respect to the land described in the original act, to which this is in further addition.

Further powers vested in the Proprietors.

SEC. 2. *Be it further enacted,* That the said corporation may, at any legal meeting, agree upon the number of shares into which the said estate shall be divided, and upon the form of certificates to be given to individuals, of the number of shares by them respectively held, and upon the mode and condition of transferring the same, which shares shall be held and considered as personal estate, in the same manner that shares in turnpikes, bridges, and canal companies are by law, held and considered; any thing in the act to which this is in further addition, to the contrary notwithstanding.

[This act passed Feb. 27, 1810.]

CHAP.

CHAP. LXVI.

An Act to incorporate certain persons by the name of The
Boston Hat Manufactory.

SEC. 1. **B**E it enacted by the Senate and House of
Representatives in General Court assembled, and by the au-
thority of the same, That Thomas S. Bordman, Samuel
Barry, Daniel Messinger, Elisha Vose, Jesse Brown, Mat-
thias Crocker, William Barry, Henry Messinger, Thom-
as Hughes, Gerry Fairbanks, Charles Vose, Bradford Lin-
coln, Joshua Vose, Aaron Clap, William Bordman, jun.
John Bordman, Caleb Hartshorn, Asa Croker, George
Haven, Zab Adams, James Pratt, jun. Martin Bales,
John H. Brown, Aaron Healy, Richard Hay, William
King, Peter Dexter, and Nathaniel Fowle, with such as
already have or hereafter may associate with them, their
successors or assigns, be and hereby are made a corpora-
tion by the name of The Boston Hat Manufactory, for the
purpose of manufacturing hats at any place or places
within ten miles of Boston, and for that purpose shall
have all the powers and privileges, and be subject to all
the duties and requirements, contained in an act pass-
ed the third day of March, 1809, entitled An Act defin-
ing the general powers and duties of manufacturing
corporations. Persons incor-
porated.

SEC. 2. *Be it further enacted,* That said corporation Powers and
privileges.
may be lawfully seized and possessed of such real estate
not exceeding twenty thousand dollars, and of such per-
sonal estate, not exceeding one hundred thousand dol-
lars in value, as may be necessary and convenient for the
carrying on the manufacture of hats.

[This act passed *Feb. 27, 1810.*]

CHAP. LXVII.

An Act to set off Samuel Floyd, from the town of Augusta, and to annex him to the town of Winthrop.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Floyd of Augusta, in the county of Kennebeck, with his family, and the lot of land on which he now lives, in the said town of Augusta, be, and the same is hereby set off from the town of Augusta, and annexed to the town of Winthrop, in the same county, and shall hereafter be considered a part of the same, there to do the duties, and enjoy the privileges thereof, as the other inhabitants of said town of Winthrop : *Provided nevertheless*, That the said Samuel Floyd, shall be holden to pay all taxes that have been legally assessed on him by the said town of Augusta, prior to the passing of this act, in the same manner as if it had not been made.

[This act passed Feb. 27, 1810.]

CHAP. LXVIII.

An Act to regulate the taking of Salmon, Shad, and Alewives, in the town of Machias.

Preamble. **W**HEREAS, the laws heretofore made for the preservation of the fish called Salmon, Shad and Alewives, in the town of Machias, are found inadequate for that purpose : Therefore,

Certain Laws repealed. **SEC. I.** *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all laws heretofore made to prevent the destruction and to regulate the catching of salmon, shad and alewives, so far as the same apply to the rivers and streams in the town of Machias, be, and they are hereby repealed : *Provided nevertheless*, That all prosecutions, actions, and processes now depending, and grounded on a supposed violation of any such law, or laws, may

Proviso.

may be prosecuted to final judgment and execution, as though this act had never been made.

SEC. 2. *Be it further enacted*, That no person or persons from and after the passing of this act, shall build or erect any mill-dam, wears, obstruction, or incumbrance, or continue any mill-dam, wears, obstruction, or incumbrance, already built, made, or erected, or that may hereafter be built, made, or erected, in or across any of the rivers, streams, bays, or coves in the said town of Machias, unless he or they do and shall actually provide, open, and keep open, at their own expense, a good and sufficient sluice-way, and passage for the said fish to pass, between the first day of May and the first day of September, annually; and if any person or persons, after the passing of this act, shall build or erect any mill dam, or other obstruction, or continue any mill dam, or other obstruction, already built, erected, or made, or that may hereafter be built, made or erected, in or across any of the rivers, streams, bays, or coves aforesaid, in which the said fish before such obstruction did usually go up to the lakes and ponds to cast their spawn, excepting as is herein before provided and allowed, he or they so offending, shall forfeit, for each and every day that such obstruction shall be continued, a sum not exceeding *twenty dollars*, nor less than *ten dollars*; and no passage or sluice way shall be deemed sufficient, within the meaning of this act, unless the same shall be so constructed and made, and the stream below kept open and clear of all obstructions, so that the said fish can and do actually pass through or over the same with ease and convenience. And whereas the said fish do not always go up said rivers and streams so early as the first day of May, nor always continue to run so late as the first day of September: Therefore,

SEC. 3. *Be it further enacted*, That when it shall appear to the major part of either of the committees herein after mentioned, that the continuance of any such obstruction in or across any of the rivers, streams, bays, or coves aforesaid, within the limits or district of such committee, or that the stopping of any of the passages or sluice ways, within their said districts respectively, shall be expedient and advisable, it shall be in the power of the major part of said committees, within their respective districts,

No dams or other obstructions to be erected, without sluices.

Penalty.

Committee may authorize stoppages.

tricts, in writing, by them signed, to licence and authorize such continuance or such stoppage to such reasonable time beyond the first day of May, and before the first day of September, as they may respectively judge equitable and right, any thing herein to be contrary contained notwithstanding.

Fish not to be taken at certain times.

SEC. 4. *Be it further enacted*, That no person or persons from and after the passing of this act, shall take or catch any salmon, shad, or alewives, in any part of the said rivers, or in any of the streams, bays, or coves, aforesaid, between the first day of May, and twentieth day of August annually, at any other time than between sunrise on Monday and sunrise on Friday, in each week.

No fish to be taken within two rods of any sluices.

SEC. 5. *Be it further enacted*, That no person or persons shall be allowed at any time, while said fish passages, or sluice ways are kept open as aforesaid, to catch any of the said fish, or set any seine, net, pot, or other machine, for the purpose of taking or catching any of the said fish, within the distance of two rods from any sluice or passage way left open for the purpose of letting the said fish pass up any of the rivers or streams aforesaid; and if any person or persons shall take or catch any of the said fish, or set any net, seine, pot, wears, or other machine, for the purpose of taking or catching any of the said fish, in any of the rivers, streams, bays, or coves, aforesaid, on any day or night other than is allowed by this act, or within the distance of two rods of any sluice way or passage way as aforesaid, he or they, so offending, shall forfeit the seine, net, pot, wear, or other, machine, so used, and pay a fine not exceeding *thirteen dollars*, nor less than *one dollar*, half thereof to him or them that will prosecute therefor, and the other moiety for the benefit of the said town of Machias; and it shall be the duty of the committees herein after mentioned, or any one of them, within their respective districts, upon finding any net or seine, setting or standing in any of the rivers or streams aforesaid, and in violation of this act, to take and seize the same, together with the fish that may be found therein, and the same net or seine and fish so taken, within twenty four hours then next, to carry before some Justice of the peace in the county of Washington, and there libel the same, in which libel the libellant shall describe the place where, the time when, and cause of seizure, and the articles thus libelled; and

Penalty.

and the Justice before whom such libel shall be made, shall cause a copy thereof, under his hand, to be made out, and forthwith to be posted up in some conspicuous place, or places in the vicinity, where he shall determine notice of the transaction will be most generally given, and therein assign a particular time and place for the owner or claimant to appear, which time shall not exceede ninety six hours nor less than forty eight hours from the time the libel shall be filed with him as aforesaid, and if no person appear to claim the same, or if the person appearing being the owner thereof, shall not make it appear to the satisfaction of the Justice, that he was not directly or indirectly by himself or any other person, by, for, or under him, concerned in setting such net or seine, then the Justice shall enter up a decree that the same are forfeited, one half the net or seine, and all the fish to the use of the libellant, and the other moiety of the net or seine to the use of the said town, and order the same to be sold at publick auction accordingly, and shall proceed to sell the same at auction himself, or make out a precept in writing to some officer to sell the same accordingly; and in case upon a hearing it shall appear to the Justice that the net, seine, or fish, are not by this act for the causes in the libel alleged, forfeited, he shall decree a restoration thereof to the claimant, and deliver them to him accordingly, and for every libel and proceeding thereon as aforesaid, the said Justice shall be entitled to receive and demand one dollar and no more, and at the rate of fifteen per cent. arising on the sale.

SEC. 6. *Be it further enacted*, That no net or seine shall reach or extend more than one third across any river or stream when the same shall or may be set, drawn or used, under the penalty of forfeiting the same, and any person who shall refuse or prevent the committees or any of them from measuring any seine or net which shall be used for the purpose of taking any of the said fish, in any of the rivers or streams aforesaid, shall forfeit and pay the sum of *six dollars*.

Nets not to extend across any river.

SEC. 7. *Be it further enacted*, That a passage or sluice way sufficient for the safe, easy, and convenient passing down of said fish, both *old* and *young*, shall be provided, opened, and kept open, from the first day of September to the fifteenth day of October annually, at the discretion

Passages to be kept open.

Penalty for neglect.

of said committees, over, or by all such dams or other obstructions aforesaid ; and if any person or persons, making, erecting, interested, or concerned in, such dam, mills, or other obstructions, shall offend in this particular, he or they shall pay a fine for each and every day, he or they shall so offend, a sum not exceeding *twenty dollars* nor less than *five dollars*,

Fish committee to be chosen by the town.

Their duty.

SEC. 8. *Be it further enacted*, That the inhabitants of the said town of Machias be, and they are hereby empowered and directed, at their annual meetings in April forever hereafter, to choose by written ballot or otherwise, two separate committees, of three or more suitable persons each, so situated within their respective districts as to be able to detect in the most effectual manner any breaches of this act, whose business it shall be to see that this act is duly observed within their respective districts ; and each person so chosen and accepting, shall take an oath, faithfully to discharge the duties required of him by this act, and the said committee so chosen and qualified as aforesaid, or the major part of them respectively, are hereby empowered and directed to inspect the several streams, rivers, bays, and coves, within their respective districts, and see that there are sufficient passages for the said fish to pass up and down, open and keep open, without obstruction, during the terms, and in the manner this act directs, excepting as herein before provided and allowed. And it shall be the duty of the said committees respectively to make complaint of any, and every breach of this act, within their respective districts.

SEC. 9. *Be it further enacted*, That when the owner, or owners of any mill or mills, mill dam, or other dams, wears or other obstructions, made or erected in or across any of the rivers, streams, bays, or coves, aforesaid, shall refuse or neglect to open, or to continue open, sufficient sluice way or ways in their mill dams or other dams, wears, or other obstructions, respectively, in every such case the said committees respectively, or the major part of either of them, shall, within their respective district, order such sluice ways to be opened, and they are hereby authorized and directed to cause the same to be done, as speedy as may be ; and the owner or owners of said dams, wears, or other obstructions so neglecting or refusing, upon notice given them, or any of them, by said committees,

committees, shall forfeit and pay a sum equal to the reasonable expence of opening and continuing open any such sluice way or ways, with the addition of fifty per cent. thereto, which forfeiture shall be recovered by the said committees, by action of the case to be by them instituted and pursued to final judgment and execution, in their capacity aforesaid, and the said committee, when acting in their official capacity, in doing any business, matter, or thing, agreeable to, or required by this act, shall not be considered as trespassers, or be liable to any penalty or damage.

SEC. 10. *Be it further enacted*, That if the said town of Machias shall neglect to choose the several committees required by this act, they shall forfeit and pay the sum of *one hundred and fifty dollars*, one half for the benefit of the poor in said town and the other half thereof to the informer, which may be sued for, and recovered by any person or persons complaining of the same; and if any person so chosen shall refuse to serve in said office, unless he is chosen to some other office in the town, he shall forfeit and pay the sum of *six dollars* for the use of the poor of said town, to be recovered by the town treasurer, and the said town shall proceed to a new choice, and so toties quoties.

Penalty in case the town neglect to choose Committees,

Committee refusing to serve, Penalty.

SEC. 11. *Be it further enacted*, That for the purposes of this act only, the said town of Machias be and hereby is divided into two districts to be known by the name of the East and the West Districts, the East District to comprehend the East river, so called, in said town as well as all the streams, bays, and coves thereof, and the West District to comprehend all other rivers, streams, bays, and coves, within said town.

Machias divided.

SEC. 12. *Be it further enacted*, That all fines and forfeitures, incurred by the breach of this act, not otherwise herein directed, shall be recovered by bill, plaint, or information, in any of the courts of record within the county of Washington, proper to try the same, and all fines and forfeitures so incurred by any offence committed against this act (not otherwise appropriated) shall enure, the one half thereof to the poor of the town, and the other moiety to him or them who shall prosecute therefor: *Provided nevertheless*, That nothing in this act shall be so construed as to debar any person of the right to prosecute

Penalties, how recovered

cute, and they are hereby authorized and empowered to prosecute and pursue to final judgment and execution, any person for any breach of this act; and no person by reason of his being one of the committees, chosen and qualified as aforesaid, shall be thereby disqualified from being a witness in any prosecution for a breach of this act.

[This act passed Feb. 27, 1810.]

CHAP. LXIX.

An act for the better regulating the Indians and other people of colour, Inhabitants of the Island of Chappequiddick in the county of Duke's County.

SECT. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to appoint three Commissioners who shall meet in the month of March next, and when met shall have power to make a distinct and specific assignment of the lands belonging to the Indians, and other people of colour, inhabitants of the Island of Chappequiddick in the County of Duke's County to the different individuals and families, in such quantities as they shall deem proper, reserving from said lands such portions for annual appropriations by the Guardians of the said Indians, and people of colour, as the said Commissioners may judge expedient and each individual and family, shall retain possession of the land so assigned for the term of ten years from the thirty first day of March next, at which time a new assignment of the said lands, shall be made by the Guardians of the said Indians.

Governour and council to appoint Commissioners to assign lands to individuals.

No contracts of Indians valid, unless—

SEC. 2. *Be it further enacted,* That no promise made, or contract entered into by any of the said Indians, or people of colour, shall be valid in law, unless the same be made or entered into with the written consent of two or more of their Guardians, and no action hereafter brought upon such promise or contract, made or entered into, without

without such written consent, shall be sustained in any Court of Law.

SEC. 3. *Be it further enacted*, That no action shall be sustained in any Court of Law in this commonwealth, wherein any of said Indians or people of colour shall be plaintiff, unless the original writ be endorsed by two or more of their Guardians, and this act may be given in evidence in all such actions under the general issue.

[This Act passed Feb. 27, 1810.]

CHAP. LXX.

An Act in further addition to an act, entitled, An act to incorporate fundry persons by the name of The President, Directors and Company of Gloucester Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the act of incorporation establishing the Bank in Gloucester in the county of Essex, be, and the same is hereby extended and continued to the first Monday of October, in the year of our Lord, eighteen hundred and twelve, with all the rights and privileges, and subject to all the penalties and forfeitures provided by said act.

Gloucester Bank
charter extended.

SEC. 2. *Be it further enacted*, That the President, Directors, and Stockholders of the said Bank, and their successors, be, and they are hereby made, jointly and severally, liable in their respective persons and estates, as well as in their corporate capacity, to fulfil all contracts and redeem all bills made and issued by the said Corporation.

[This act passed Feb. 27, 1810.]

CHAP. LXXI.

An act to incorporate a number of the inhabitants of the towns of Durham and Pownal, into a religious society, by the name of The Methodist Society in Durham and Pownal.

Persons incor-
porated.

SEC. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Moses Allen, John Allen, Nehemiah Allen, Nehemiah Allen jun. William P. Allen, William Blake, Joseph Brown, Jeremiah Brown, Heman M. Brown, Lendell Curtis, John Cushing jun. Enoch Davis, Richard Doan, Francis Duran, Matthew Duran, Paul Dyer, George Ferguson, Edward Fifield, Benjamin Fogg, George Goodwin, Daniel Harmon, Robert Harmon, Zebulon Harmon, William Jones, Isaac Lambert, Jacob Larrabee, Jacob Libby, Josiah Libby, Ellison Libby, Alexander Libby, John Megray, William Mitchel, jun. Enoch Newell, Ebenezer Newell, David Osgood, Joseph Paine, Thomas Paine, Thomas Pierce, Benjamin Pettengill, Luther Plumer, Elisha Potes, Isaac Randall, Jacob Randall, John Randall, Susanna Roberts, Lemuel Roberts, Thomas Roberts, William Roberts, Allison Skillen, Joshua Snow, John Stackpole, jun. Abel True, Daniel True, Jonathan True, Samuel True, William True, Simeon Tryon, Ezekiel Turner, Lebbeus Tuttle, John Tyler, Ebenezer Warren, Thomas Waterhouse, William Webster, and Daniel York, together with such other as already have, or may hereafter associate with them and their successors, be, and they are hereby incorporated into a separate religious society, by the name of The Methodist Society in Durham and Pownal, with all the powers and privileges, and subject to the same duties with other religious societies, according to the constitution and laws of this commonwealth: *Provided however,* That all such persons shall be holden to pay their respective proportions of all monies legally assessed for parochial purposes, in the parish or religious society to which he or she formerly belonged.

Proviso.

SEC.

SEC. 2. *Be it further enacted*, That any person belonging to any other religious society, in either of the said towns of Durham and Pownal, who may desire to join with the said Methodist society, shall declare such intention in writing, delivered to the minister or clerk thereof, and also a copy of the same delivered to the town clerk, or to the clerk of such other society, (as the case may require) and if such person do produce a certificate signed by the minister, deacons or clerk of the said Methodist society, that he or she has united with and actually become a member thereof, such person shall from the date of said certificate, be considered with his or her polls and estate, as a member of the said Methodist society.

Manner in which others may join the society.

SEC. 3. *Be it further enacted*, That when any member of the said Methodist society shall see cause to secede therefrom, and to unite in religious fellowship with any other religious society, shall give notice of such intention in writing, to the minister or clerk of the said Methodist society, and deliver a copy of the same to the clerk of the town or to the minister or clerk of such other society (as the case may be) fifteen days before the annual meeting, and shall produce a certificate of admission, signed by the minister, elder, or clerk thereof, such person with his or her polls and estate, shall, from the date of such certificate, be considered as a member of the society, with which he or she hath so united : *Provided however*, That in every case of secession, every such person shall be holden to pay his or her proportion of all parish or society charges and assessments, legally assessed and not paid, previous to such secession.

Manner of seceding.

Proviso.

SEC. 4. *Be it further enacted*, That either of the justices of the peace for the county of Cumberland, be, and he is hereby authorized, upon application therefor, to issue a warrant, directed to a member of the said Methodist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such officers as the customs and rules of the said society do require, and as religious societies are by law empowered to choose and appoint at their annual parish or society meetings.

First Meeting.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXII.

An Act to authorize the Justices of the Court of Common Pleas for the county of Suffolk, to purchase Land and erect a New Court House thereon.

Court of common pleas empowered to purchase—

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the court of common Pleas for the county of Suffolk, be, and they hereby are authorized to purchase any lands situated between Court street and School street in the town of Boston, for said county, which they may deem necessary, for the purpose of erecting a court house thereon, and making proper avenues to and around the same; and also to exchange or make sale of any land or real estate situated as aforesaid, now belonging to said county, for the purpose aforesaid.

And to borrow money.

SEC. 2. *Be it further enacted*, That said Justices, be, and they hereby are authorized to raise by loan to said county, from any one or more individuals or bodies corporate, such sums of money as they find necessary, for the purpose of erecting and completing a court house for the accommodation of said county; and allow for the use of said sums, the lawful interest, until paid: *Provided however*, that the amount of said loan shall not exceed the the sum or sums of money, which have been, or may be included, for the purpose aforesaid, in the several annual estimates of expenses for said county, and upon which the legislature have authorized, or may hereafter authorize a tax upon said county: and the Treasurer of said county is hereby authorized to subscribe and give his notes in behalf of said county, for such sums of money, as may be borrowed for the purposes aforesaid.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXIII.

An Act to incorporate sundry persons by the name of The
Malden Nail Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That George Odiorne, Thomas Odiorne and Ebenezer Odiorne, with such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and hereby are made a corporation by the name of The Malden Nail Manufactory, for the purpose of manufacturing nails, with the business necessarily connected therewith, and for such purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled, *An act defining the general powers and duties of manufacturing corporations.*

Persons incor-
porated.

SEC. 2. *Be it enacted,* That said corporation may be lawfully seized and possessed of such real estate not exceeding fifty thousand dollars, and such personal estate not exceeding one hundred and fifty thousand dollars, as may be necessary for the purposes aforesaid.

Powers and
privileges.

[This act passed *March 1, 1810.*]

CHAP. LXXIV.

An Act to divide the town of Kittery, and to incorporate the Second Parish in said town, into a town by the name of Eliot.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all that part of the town of Kittery in the county of York, included within the limits of the second parish in said town, be, and hereby is incorporated into a separate town, by the name of Eliot, with

Kittery divided.

all the powers, privileges, and immunities, with which other towns are invested by the constitution and laws of this commonwealth.

Taxes.

SEC. 2. *Be it further enacted*, That the said town of Eliot shall pay its just proportion of taxes which have been assessed on said town of Kittery, prior to the date of this act; and shall also pay its just proportion of the debts due from said town of Kittery, and of the charges incident to the support of the present poor of said town of Kittery; whether the same are supported in whole or partially only; and also of all persons having their legal settlement in said town of Kittery though removed therefrom at the passing of this act, in case of their being returned for support; and shall also receive its share of monies, debts due, and all other property belonging to said town of Kittery, according to the proportion paid by the inhabitants of the said second parish to the last state tax assessed on said town of Kittery: *Provided nevertheless*, That those farms divided by the line between the second and third parishes in said Kittery, and situate partly in said town of Kittery, and partly in said town of Eliot, shall, so long as they shall continue entire and undivided farms or estates, be taxed exclusively in the town in which the dwelling house on the same now stands.

First meeting.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of York, is hereby authorized, on application therefor, to issue his warrant, directed to some freeholder, living in said town of Eliot, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose at their annual meetings.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXV.

An Act to set off certain land from the District of Bethlehem, and annex the same to the town of Becket.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that tract of land, (lately a part of the District of Bethlehem, but now incorporated with the town of Loudon) as described within the following bounds, with Moses Baird, and Kendall Baird, and their families and estates, be and hereby is set off from the said District of Bethlehem, now incorporated with Loudon, and annexed to the town of Becket, viz. Beginning at a stake and stones, being the northeast corner of said Bethlehem; thence running west, on the north line of said Bethlehem, to a pond known by the name of *West Pond*; thence southerly, on said pond, to the brook issuing out of said pond; thence southerly on said brook, to the south line of the first range of lots in said Bethlehem; thence east, on the line between the first and second range of lots, to the east line of said Bethlehem; and thence north, on said east line of Bethlehem, to the first mentioned corner: *Provided however*, That the several persons above named, with their estates, and all other owners of the above described lands, shall be holden to pay their proportion of all taxes which have been assessed on the said District of Bethlehem, in like manner as though this act had not passed.

Lands annexed
to Becket.

Proviso.

[This act passed March 1, 1810.]

CHAP. LXXVI.

An Act to incorporate Robert Hallowell Gardiner and others, by the name of *The Gardiner Cotton and Woolen Factory Company*.

SEC. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Robert H. Gardiner, Frederick Allen,

Persons incor-
porated.

Allen, James Marston, Simon Bradstreet, Rufus Gay, Ebenezer Byram, Joseph Bowman, John Haseeltine, Jeremiah Wakefield, Jacob Davis, Charles Blaney, Jedidiah Jewett, Richard Clay, Sanford Kingsbury, Joshua Lord, Stephen Jewett, Stephen Caldwell, Edward Swan, Solomon Arthur, Harvey Gay, Michael Woodward, Daniel Woodward, and Ebenezer Colby, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation by the name of *The Gardiner Cotton and Woollen Factory Company*, for the purpose of manufacturing cotton and wool in the town of Gardiner, in the county of Kennebeck; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act, entitled, "An Act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

SEC. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding *thirty thousand dollars*, and personal estate, not exceeding *one hundred thousand dollars*, as may be necessary and convenient for carrying on the manufacture of cotton and wool, in their various branches, in the said town of Gardiner.

[This act passed March 1, 1810.]

CHAP. LXXVII.

An Act to establish *The Derby Wharf Corporation*.

Preamble.

WHEREAS Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. and Anstiss his wife, in her right, John Prince, jun. and Martha his wife, in her right, and Elizabeth Derby, own and hold in common and undivided a piece of land, flats and wharf, in Salem in the county of Essex, which was devised to them by their father Elias Hasket Derby, deceased, and is known by the name of "*Derby Wharf*;" and have expended and are continuing to expend large sums

sums of money, in extending and enlarging said wharf, for the accomodation of the navigation of said town, and they have petitioned this Court to incorporate them, to enable them more conveniently to manage and improve the same estate :

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. John Prince, jun. and Elizabeth Derby, and all such persons as have, or hereafter may associate with them, their successors and assigns, being citizens of the United States, shall be and hereby are constituted a body politick and corporate, by the name of *The Derby Wharf Corporation* ; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any court of record, or in any other place whatsoever ; and shall and may do and suffer all acts, matters and things, which bodies politick ought to do and suffer ; and shall have power to make and use a common seal, and the same again at pleasure to break, alter, and renew ; and also to agree on the mode of calling future meetings, to ordain and establish and put in execution such bye laws, ordinances and regulations as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs ; and for the breach of such bye laws, ordinances and regulations, may order fines and penalties not exceeding *ten dollars* for every breach : *Provided*, That such bye laws, ordinances and regulations shall not be repugnant to the laws of this commonwealth.

Proprietors of
Derby Wharf
incorporated.

Powers and
privileges.

Proviso.

SEC. 2. *Be it further enacted*, That the said corporation shall be, and hereby is made and declared capable to have, hold, and possess the said land, wharf and flats called *Derby Wharf*, (excepting the stores thereon and the flats under and adjoining, which are now held in severalty by the persons before named, under the will of the said Elias Hasket Derby, Esquire, deceased, and the privileges and appurtenances thereof ; and also to purchase and hold any other lands and tenements, not exceeding the additional value of thirty thousand dollars, exclusive of the building thereon ; and shall have power to erect any wharves or buildings on any real estates owned by said corporation,

Empowered to
hold certain
Lands.

corporation ; and any sea wall or other walls to protect and secure the same ; and shall also have power to grant, sell, and alien, in fee simple, or otherwise, by deed under the seal of the corporation, and signed by the President thereof, the corporate property or any part thereof ; and to lease, exchange, manage, and improve the same, according to the will and pleasure of the proprietors, or the major part of them present at any legal meeting, to be expressed by their votes ; and the rents, profits, and receipts which may accrue from the improvements, leasing, or other management of the corporate property aforesaid, may and shall, once at least in every year, be divided among the proprietors, according to their respective shares.

Property may
be divided into
shares.

SEC. 3. *Be it further enacted*, That the said proprietors may, at any legal meeting, agree upon the number of shares into which their corporate property shall be divided, not exceeding *eighty four*, and upon the form of certificates to be given to individuals, of the shares by them respectively held, and upon the mode and conditions of transferring the same ; which shares shall be held and considered as personal estate to all intents and purposes whatsoever. The said proprietors shall also have power to assess upon each share, such sums of money, as may be deemed necessary for erecting and repairing wharves, walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act ; and to sell and dispose of the shares of any delinquent proprietor, for the payment of such assessments, and to issue new certificates thereof, to the purchaser, in such way and manner, as said corporation may, by their rules and regulations, determine and agree upon.

Liable to at-
tachment.

SEC. 4. *Be it further enacted*, That the property of every individual member of said corporation, vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts, in manner prescribed by an act entitled, “An Act directing the mode of attachment on *mesne process*, and selling by execution, shares of debtors in incorporated companies,” passed the eighth day of March, in the year of our Lord, one thousand eight hundred and five.

First Meeting.

SEC. 5. *Be it further enacted*, That John Derby, Ezekiel Herley Derby, and John Prince, jun. or any two of them,

them, may call the first meeting, by advertising the same in any one of the publick newspapers, printed in Salem, at least three days before the time of meeting; and at that, or any other meeting, may elect a president, treasurer, clerk, secretary or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, as well as on all other occasions, the votes shall be given by shares, allowing one vote to each share: *Provided only*, That no member shall have more than ten votes.

SEC. 6. *Be it further enacted*, That nothing herein contained shall be deemed and construed to give to said proprietors any right or authority, to take, or appropriate to their use, the land, right or privilege of any person or persons, without a legal conveyance thereof from such person or persons, to the said corporation.

Corporation may not take land without legal conveyance.

SEC. 7. *Be it further enacted*, That in any action to be brought, or in any judgment to be rendered against said corporation, if the said corporation, after seven days notice, and request to the president, secretary, or any two of the proprietors, shall neglect or refuse to expose any estate or property which may be attached on *mesne process*; or whereon any such execution may be levied, the plaintiff in such action shall have a right to levy his execution upon, or to attach any of the property of the individual members of the said corporation, in the same manner as if the action had been brought, or judgment entered against them, in their individual capacities.

Proceedings in case of attachment.

[This act passed March 1, 1810.]

CHAP. LXXVIII.

An Act to set off part of the town of Winslow and annex the same to the town of Fairfax.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the lands lying within the lines herein described, with the inhabitants thereon, be and hereby

Lands annexed to Fairfax.

hereby are set off from the town of Winslow in the county of Kennebeck, and annexed to the town of Fairfax in the same county, viz. Beginning at the south-east corner of said Winslow, from thence running a west-north-west course on the line between said Winslow and the town of Harlem about one mile to a pond, called Mud Pond, thence northerly by said pond eighty rods, thence east-south-east to the easterly line of said Winslow, thence southerly on said last mentioned line, to the bounds first mentioned.

[This act passed March 1, 1810.]

CHAP. LXXIX.

An Act to divide the town of Pittston into two Parishes and to establish the lines between the east, and west Parishes in the said town.

Pittston divid-
ed.

SEC. 1 **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the town of Pittston, in the county of Kennebeck, shall be, and it is hereby divided into two distinct parishes, to be denominated the East Parish, and the West Parish, in Pittston, which shall be known by the lines herein described, viz. Beginning on the north line of said Pittston, at the distance of two miles and a half from the river Kennebeck, and running southerly, as the course of the said river runs, to the south line of said town, so that the line running through the town, may be in every part, two miles and an half from the river Kennebeck. And the said distance of two miles and an half from the said river shall be ascertained, by a line drawn from said river, on a course parallel with the easterly and westerly lines of the lots in the said town. And each of the said parishes, respectively, shall be entitled to all the powers and privileges, and shall also be subject to like duties of other parishes or religious societies, according to the constitution and laws of this commonwealth.

SEC. 5. *Be it further enacted*, That any person, living in the east or the west parish in said Pittston, who may desire

desire to change his relation from one parish to the other shall have liberty, during the space of one year, from the passing of this act to make his election, and at any time within the year, shall declare his determination in writing to the clerk or committee of the parish to which he may join, and a record thereof shall be made by the clerk of said parish, and thereupon such person, with his family and estate, shall be considered, as belonging to the parish which he has so chosen, and shall accordingly be taxed, with his polls and estate, to such parish.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Kennebeck, upon application therefor, may issue his warrant, directed to some member of the said West Parish, requiring him, to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in said warrant, to choose such officers as parishes are by law required to choose, at their annual parish meetings. And any Justice of the Peace for the county of Kennebeck, upon application therefor, is hereby authorized to issue a warrant directed to a member of the said East Parish, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said east parish, by the appointment of its officers.

Warrant to be
issued for a
meeting.

[This act passed March 1, 1810.]

CHAP. LXXX.

An Act in alteration of an act entitled “An Act to establish and incorporate a religious society in the town of Easton, in the county of Bristol, by the name of the Congregational Parish in Easton.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That so much of the fifth section of an act passed the seventh day of February, in the year of our Lord, one thousand seven hundred and ninety two, entitled

entitled "An Act to establish and incorporate a Religious Society in the town of Easton in the county of Bristol, by the name of the Congregational Society in Easton," as requires that the minister of the said parish for the time being shall be one of the trustees of the parish funds, be and the same is hereby repealed.

[This act passed March 1, 1810.]

CHAP. LXXXI.

An Act to incorporate a number of persons by the name of
The Bible Society of Maine.

Preamble.

WHEREAS the persons hereafter named in this act, together with many other citizens of the town of Portland in the District of Maine, and its vicinity, have formed themselves into a society for the purpose of raising a fund, to be appropriated in procuring Bibles of the version in common use in the churches in New-England, for distribution among those persons within this commonwealth and elsewhere, who are destitute of the sacred scriptures, and who cannot be conveniently supplied without such aid, and also for the distribution of the bible in such other languages as may from time to time be considered expedient. And whereas in order that the pious and laudable objects of said society may be effectually promoted, and the charity of said society more extensively diffused they have prayed for an act of incorporation.

Persons incor-
porated.

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That Samuel Dean, D. D. Rev. Elijah Kellogg, Hon. Samuel Freeman, Rev. Edward Payson, Rev. Asa Lyman, Rev. Isabod Nichols, Rev. Timothy Hilliard, Rev. Caleb Bradley, Hon. Ammi R. Mitchell, Hon. Woodbury Storer, Matthew Cobb, Daniel Tucker, Robert Boyd, Levi Cutler, Oliver Bray, William Jenks, Jonathan Dean, Mark Harris, Esquires, and Joseph H. Ingraham, together with those who have associated, or may hereafter associate with them, for the purpose aforesaid, be and they hereby are incorporated into a society, by the name of The Bible Society of Maine.

SEC.

SEC. 2. *Be it further enacted*, That the said Samuel Dean and others above named, and their associates, shall be and remain a body corporate and politick during the pleasure of the Legislature, and may have a seal which they may alter at pleasure; and the said society shall be capable of taking and receiving, from any person disposed to aid the benevolent purposes of this institution, grants or devises of lands and tenements, in fee simple, or otherwise, also donations, bequests, and subscriptions of money and other property to be used and improved for the purpose aforesaid. May receive grants, &c.

SEC. 3. *Be it further enacted*, That the said corporation shall be, and they hereby are empowered to purchase and hold other real estate, than that which may be given to them as aforesaid: *Provided*, That the value of the whole estate, real and personal, of said society, shall not exceed one hundred thousand dollars. May hold real estate, &c.

SEC. 4. *Be it further enacted*, That the said society may sue and be sued in their corporate capacity, and may appoint an agent or agents to prosecute and defend suits with power of substitution. May sue and be sued.

SEC. 5. *Be it further enacted*, That said society may choose a president, vice president, treasurer, corresponding secretary, and a recording secretary, trustees, and such other officers as they shall see fit, and may make and establish such rules and regulations as to them shall appear necessary: *Provided*, the same be not repugnant to the constitution and laws of this commonwealth. Officers.

SEC. 6. *Be it further enacted*, That Oliver Bray, Esq be and he hereby is authorized, by notification in one or both of the newspapers printed in Portland, to appoint the time and place of the first meeting of said society, at which meeting the said society may choose the officers aforesaid, may prescribe their duty, and may vest in the said officers such powers, conformable to the principles of this institution, as shall be deemed necessary. First meeting.

[This act passed March 1, 1810.]

CHAP. LXXXII.

An Act to authorize the sale by the German Protestant Society, in Waldoborough, in the county of Lincoln, of a certain lot of land, belonging to said Society.

SOCIETY AUTHORIZED TO SELL CERTAIN LANDS.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the German Protestant society, in Waldoborough in the county of Lincoln be, and they hereby are authorized to sell and convey by such committee as they shall appoint for the purpose, a certain lot of land, situate in said Waldoborough, containing one hundred and ten acres, which said lot was granted by the original proprietors of said town for the use of said society as a meeting house lot, and the sale and conveyance of the said lot, which shall be made pursuant to the vote of said society by such committee, shall be valid and effectual to any person or persons who may purchase the same.

APPROPRIATION OF THE PROCEEDS.

SEC. 2. *Be it further enacted*, That the proceeds of the sale, which shall be made as aforesaid, shall be appropriated to the purpose of finishing and completing the meeting house lately erected by the said society, and the surplus, if any there be, shall be put out at interest on good and sufficient security, and preserved as a permanent fund for the use of said society, the income whereof shall be applied hereafter as may be necessary to the repairs of said house, or of rebuilding a meeting house for said society, and for no other purpose whatever.

[This act passed March 1, 1810.]

CHAP.

CHAP. LXXXIII.

An Act in addition to an act, entitled “An Act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions.”

WHEREAS in the third section of the Preamble. act, to which this is in addition, it is provided that if the tenant shall not pay into the clerk's office, for the use of the demandant, the sum with the interest thereof, at which the demanded premises shall be estimated by the jury, within one year next after the verdict shall have been given, a writ of seizin shall issue in favour of the demandant, and whereas it will be convenient to allow the tenant a longer time to pay the said estimated sum with the interest therefor;

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if the tenant shall, within one year after the said verdict, pay into the clerk's office as aforesaid, for the use aforesaid, one year's interest of the said sum, together with one third part of the said sum, and the costs of suit it taxed, the said writ of seizin shall further stay; and if the tenant shall within two years after the said verdict further pay into the clerk's office as aforesaid, one year's interest of two third parts of the said sum together with one other third part of the said sum, then the said writ of seizin shall further stay, or otherwise it may issue; and if the tenant shall within three years after the said verdict pay into the clerk's office as aforesaid the remaining third part of the said sum, and one year's interest thereon, he having made the several payments aforesaid, he and his heirs shall have a good title to the demanded premises against the demandant and his heirs forever, but otherwise a writ of seizin shall issue in due course of law: *Provided however,* If the tenant and demandant, or either of them, shall die after the said verdict, the several payments aforesaid may be made by the tenant, his heirs, executors, or administrators, and the writ of seizin if issuable, shall be sued in the name of the demandant, whether living or dead, against the tenant, whether living

Writ of seizin may be stayed on the tenant's paying one year's interest.

living or dead, and when executed shall enure to the use and benefit of the demandant, or of his heirs in case of his death.

[This act passed March 2, 1810.]

CHAP. LXXXIV.

An act to incorporate Benjamin Johnson and others by the name of The Lynn Union Wharf Company.

Preamble.

WHEREAS Benjamin Johnson and others his associates, are owners of a wharf in Lynn, in the county of Essex, and a road leading thereto, at a place called Black Marsh, and said owners being desirous of extending their said wharf for the purpose of better accomodating themselves with deeper water and more room for the landing of lumber and other articles ; Therefore,

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Benjamin Johnson, Joseph Fuller, the third, Timothy Newhall, Ezra Collins, John Alley, Jun. Oliver Fuller, Micajah Alley, the third, Micajah Burrell, Jonathan Connel, Timothy Alley, Solomon Alley, Benjamin Alley, the third, and John Mudge, of said Lynn, and all other persons who may hereafter become partners in said company, be and they are hereby made and constituted a body politick and corporate, by the name of The Lynn Union Wharf Company, and by that name may sue, and be sued, and do, suffer, and perform, all other acts and things, and have and possess all other powers, rights and privileges, incident by law to aggregate corporations.

Shares.

SEC. 2. *Be it further enacted,* That the property of said corporation shall be divided into thirty shares, and said corporation shall have power, and is hereby authorized, when it shall judge necessary, to augment the number of shares to sixty, and to sell said additional shares at public auction, and the proceeds thereof shall
be

be solely appropriated to the making of such additions to said wharf, as said corporation shall judge proper, and the expense of all further additions, alterations, and repairs, which may hereafter be made, shall be defrayed by a tax on the shares in said corporation, not exceeding twenty dollars on one single share, for additions, alterations, and repairs in any one year ; and the shares aforesaid shall be numbered in progressive order, beginning at Number One, and every original owner thereof shall have a certificate under the seal of said corporation, signed by the treasurer, certifying his property in said Wharf ; and any share or shares may be alienated by deed executed in common form and recorded by the clerk of said corporation, and any purchaser showing to the treasurer such deed, so recorded, and delivering up to him the former certificate shall receive a new one, certifying the property of such share or shares to be in such purchaser, who in every respect shall be a member of said corporation instead of the former proprietor.

SEC. 3. *Be it further enacted*, That each member of said corporation shall have one vote for each share not exceeding six, and no member shall be allowed more than six votes, and each member may vote by proxy ; and the assent of the proprietors of two thirds of the shares aforesaid shall be necessary for the choice of a clerk (who when chosen shall be sworn or affirmed to the faithful discharge of his duty by some Justice of the Peace of said County) and also for the choice of a treasurer and all other officers, and for the making of all bye laws, rules, and regulations whatever. *Provided nevertheless*, That the clerk, treasurer, and all the officers aforesaid, when necessary, may be chosen by a majority present, at any legal meeting for that purpose.

SEC. 4. *Be it further enacted*, That whenever any proprietor aforesaid shall neglect or refuse to pay any tax duly assessed, to the treasurer aforesaid, within forty days after the time set for the payment thereof, said treasurer shall sell at publick vendue the share or shares of such delinquent proprietor, one or more, as shall be sufficient to pay said taxes and all incidental charges, after duly notifying, in some newspaper, printed in Boston or Salem, the sum or sums due on said share or shares, and the time and place of sale, at least fourteen days pre-

Manner of electing officers.

Treasurer may sell shares of delinquents.

vicious to the time of sale, and such purchaser shall, on producing a certificate of such sale from the treasurer aforesaid, to said clerk, containing the name of such purchaser, and the number of the share or shares so sold as aforesaid, which certificate shall be recorded by said clerk, be considered in all respects whatever, the proprietor thereof, and the overplus, if any, shall be paid on demand, by the treasurer aforesaid, to the former proprietor.

Meeting of the
proprietors.

SEC. 5. *Be it further enacted*, That the first meeting of said corporation shall be called by a warrant issued by any Justice of the Peace in said county, to whom application shall be made by any three of the present proprietors for that purpose, and such Justice is hereby authorized to issue his warrant accordingly, directed to some one of the said proprietors to call said meeting.

SEC. 6. *Be it further enacted*, That the Legislature of this Commonwealth may, at any time after the expiration of ten years from the passing of this act, alter, amend, or repeal the same, as they shall judge proper.

Individual prop-
erty liable to
attachment.

SEC. 7. *Be it further enacted*, That in any action to be brought, or in any judgment to be rendered against said corporation, the plaintiff not being able to find sufficient property of the corporation to attach on mesne process, or whereon to levy his execution, shall have the right of attaching or levying his execution on any of the property of the individual members of the corporation, in the same manner as if the action had been brought and the judgment rendered against them in their individual capacity.

[This act passed March 3, 1810.]

CHAP. LXXXV.

An Act to authorize the raising of a fund for the support of publick Schools in the town of Springfield.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jacob Blifs, Jonathan Dwight, jun.

jun. Edward Pyncheon, Moses Bliss, jun. and Solomon Warriner, be, and they hereby are constituted a body politic and corporate by the name of the trustees of the school funds in the town of Springfield, and they and their successors shall be and continue a body politic and corporate, by that name forever, and shall have a common seal, and may alter the same at their pleasure, and by that name may sue and be sued in all actions real, personal, or mixed, and prosecute and defend the same to final judgment and execution; and the said trustees may elect a president, and a clerk who shall be sworn to the faithful performance of the duties of his office, and a treasurer who shall give bond with sufficient surety or sureties faithfully to account for the monies which he may receive by virtue of this act.

Powers and
privileges.

SEC. 2. *Be it further enacted*, That such of the lands belonging to the said town of Springfield, as the said town has already directed, or may hereafter direct, to be sold for the use of schools in said town, or shall authorize the said trustees to hold or dispose of, and also the proceeds of any sale of lands appropriated by said town for the use of schools, be, and they hereby are vested in said trustees and their successors, and the said trustees, are hereby authorized and empowered to sell and convey the whole or any part of such lands, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which subscribed by their president, by direction of said trustees, with their seal affixed, and by him duly acknowledged, shall be good and effectual in law to pass and convey all the right of said town in and to said land to the purchaser thereof, to all intents and purposes whatsoever.

Proceeds of the
sale of certain
lands vested in
the trustees.

SEC. 3. *Be it further enacted*, That the number of trustees shall not at any time be more than seven, nor less than three: a major part of whom shall constitute a quorum for transacting business; and they shall and may from time to time fill up vacancies in their number, from the inhabitants of said town, which may happen by death, resignation, removal, or otherwise, and shall have power to remove any of their number, who may from age, infirmity, or misconduct, become unfit to discharge their duty: and the said trustees shall annually hold a meeting in March or April, and as much oftener as shall be necessary to

transact their business : and Jacob Blifs, Esq. is hereby authorized to appoint the time and place of the first meeting of said trustees, and to notify them accordingly : and said meetings after the first, shall be called and notified in such way and manner as the said trustees shall direct.

Further pow-
ers.

SEC. 4. *Be it further enacted*, That any gift, grant, bequest, or devise hereafter made to the said trustees, shall be valid and effectual to all intents and purposes whatsoever ; and they and their successors are hereby empowered to take, have, hold, use, and improve, any estate, real or personal, the annual income whereof shall not exceed the sum of five thousand dollars, in trust for the maintenance and support of publick schools in said town : and the monies arising from the sale of lands, already sold by said town, and appropriated for the support of schools, and also such monies as said trustees may receive and acquire in any other way, shall as soon as may be, be put at interest and the interest thereon accruing shall be put at interest and be so kept on interest as an accumulating fund, secured by sufficient mortgages of real estate, or by two or more sufficient sureties besides the principal debtor, until the interest annually arising on said funds shall at least amount to the sum of one hundred and twenty dollars, and if the said town shall authorize the same until said annual interest shall amount to two hundred dollars, and as soon as the interest annually accruing from said funds shall amount to the sum of one hundred and twenty dollars, or in case the said town shall authorize the retaining the same as aforesaid to the sum of two hundred dollars, the said trustees shall forthwith apply the said interest to the support of English schools in said town, and shall annually pay the same to the treasurer of said town, for the time being, to be by him paid out for the benefit of English schools in such proportions to the several school districts as the said town shall direct other monies raised for the support of schools to be paid, and in case no other money shall be raised therefor, to be distributed as the said town shall direct, among the said school districts.

Fund to be un-
alienable.

SEC. 5. *Be it further enacted*, That the said fund shall always be holden and deemed to be unalienable, and shall no part thereof be used or applied to any other purpose

purpose than the support of schools in said town : And the said trustees, their officers, agents, or attornies, shall never receive any compensation for any services performed by virtue of this act from any part of said fund.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said trustees to use and improve such fund or estate as shall be vested in them by virtue of this act so as best to promote the design thereof, and each of said trustees shall be personally answerable to the inhabitants of said town for his neglect or misconduct in the management and disposition of said fund or estate, and said inhabitants may have and maintain a special action on the case against the proper person of such trustee, and his goods and estate for such negligence or misconduct, and recover adequate damages therefor, and such damages so recovered shall be for the benefit of said fund, and shall be paid and appropriated accordingly.

Delinquent
Trustee.

SEC. 7. *Be it further enacted*, That when final judgment shall be rendered against any of said trustees for neglect or misconduct in the management or disposition of said fund, he shall be thereby disqualified from continuing a trustee, and in case said corporation shall not, within three months after such final judgment, remove such delinquent trustee, and elect another in his stead, or shall permit any vacancy by which their number shall be reduced to less than three, to remain unfilled for more than three months, it shall be lawful for the said town to fill such vacancy.

SEC. 8. *Be it further enacted*, That the said trustees shall keep a fair record of their proceedings, and a statement of their funds and estate, and shall annually exhibit a fair copy of such statement to the said town, at their annual meeting, for the choice of town officers.

[This act passed March 3, 1810.]

CHAP. LXXXVI.

An Act to establish a Corporation, by the name of The Boston Neck Turnpike Corporation.

Persons incor-
porated.

Powers and
privileges.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Payne, Isaac P. Davis, and George Cabot, together with such other persons, as shall hereafter associate with them, shall be a corporation and a body politic, by the name of The Boston Neck Turnpike Corporation, for the purpose of laying out and making a turnpike road, from that part of Boston Neck where Lenox Street intersects Suffolk Street to the angle of the old road, westerly of Wait's mills in Roxbury, and for keeping the same in repair, and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties contained in an act, entitled, "An Act defining the general powers and duties of turnpike corporations," made and passed the sixteenth day of March, in the year of our Lord, one thousand eight hundred and five, and any acts which have been made in addition thereto.

SEC. 2. *Be it further enacted,* That when the road aforesaid shall be laid out, made, and completed, and shall be approved by the Court of Common Pleas for the county of Suffolk, the said corporation shall have power to erect one gate thereon, at such place as the said court shall order, and shall be entitled to receive toll thereat, any thing in the acts aforesaid to the contrary notwithstanding.

[This act passed March 3, 1810.]

CHAP. LXXXVII.

An Act to establish a Corporation, by the name of The Worcester and Sutton Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonathan Holman, Samuel Waters, Reuben Waters, Joshua Waters, Artemas Bullard, Silvanus Prat, Nehemiah Davis, Charles Putnam, Amos Rich, Samuel Rich, Benjamin Wallis, jun. Benjamin Wallis, 3d. David Wallis, Peter Wallis, and Pliny Earle, together with such others as may hereafter associate with them, be, and they are hereby made a corporation, by the name of The Worcester and Sutton Turnpike Corporation, for the purpose of making and keeping in repair, a turnpike road, beginning near the dwelling house of Samuel Rich, in Sutton, and from thence passing near the dwelling house of Samuel Waters, in the best direction, to the farm of Jonathan Holman, in the north parish of said Sutton, or as near thereby, as shall be found most eligible, for the publick accommodation, and from thence to meet the county road leading from Worcester to Sutton, and near the dwelling house of Joseph Goddard in Worcester ; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and disabilities, prescribed and contained in an act, entitled, “ An Act defining the general powers and duties of turnpike corporations,” passed the sixteenth day of March, eighteen hundred and five, and any acts, which have been made in addition thereto : *Provided however,* That in case there should be any obstruction from buildings, or other causes, which may prevent a straight line, the committee which shall be appointed to lay out said road, shall, in such case, have power so to vary the line, as to avoid such obstructions : *Provided,* That the said road, shall be not less than three rods wide in any part thereof, where such obstructions may be, and not less than four rods wide in all other places.

Persons incor-
porated.

Powers and
privileges.

Provido.

[This act passed *March 3, 1810.*]

CHAP.

CHAP. LXXXVIII.

An Act to annex the Easterly Part of the Range of Lots on the Letter A, as originally surveyed by the Proprietors of Phipps's Canada, to the town of Jay, in the county of Oxford.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the easterly part of the range of lots, on the letter A, as originally surveyed by the proprietors of Phipps's Canada, as described within the following bounds, viz. Beginning at the south-east corner of the town of Jay, thence east about forty rods, to the southeast corner of lot number One on said range, A, thence north six miles one hundred and twenty eight rods to the northeast corner of the lot number twenty, on the aforesaid range, thence west about forty rods to the northeast corner of Jay thence south to the first bounds; with the inhabitants thereon, be and they are hereby annexed to, and made a part of the town of Jay, to enjoy all such privileges as town inhabitants do by law enjoy.

[This act passed March 3, 1810.]

CHAP. LXXXIX.

An Act to alter the time of holding the April term of the Court of Common Pleas, for the County of Norfolk.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the term of the Court of Common Pleas for the county of Norfolk, now by law appointed to be held on the last Monday in April, annually, shall hereafter be held on the fourth Monday of said month, and that all recognizances taken, and processes returnable

ble, to the next Court of common Pleas in said county, shall be returnable, and have day and effect in court on the fourth Monday in April next, instead of the last Monday of said month ; and the business of said court shall be transacted accordingly.

[This act passed March 3, 1810.]

CHAP. XC.

An Act to incorporate sundry persons, by the name of
The Trustees of Donations to the Protestant Episcopal Church.

WHEREAS in behalf of certain religious Preamble.
societies, associated by the name of The Convention of the Protestant Episcopal Church in this Commonwealth, and comprehended in the association of the said church in the United States of America, it is represented, that donations to a considerable amount have been made, and others are intended, providing for the support of the pastoral office of a Bishop in the said church, and directed to other purposes respecting their religious institutions and publick worship ; and it is prayed that trustees may be incorporated, and enabled to receive and to hold in succession, and to manage and improve all such donations to the pious uses and purposes aforesaid. Therefore,

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Thomas C. Amory, Adam Babcock, Shubael Bell, David Cobb, Andrew Craigie, Asa Eaton, John S. J. Gardiner, Benjamin Greene, Stephen Higginson, James Ivers, William Montague, Edward Rand, Samuel Sewall, Samuel Smith, and Dudley A. Tyng, and their successors, be and they hereby are incorporated and made a body politic and corporate, by the name of The Trustees of Donations to the Protestant Episcopal Church ; and by that name may sue and be sued, and shall have and use a common seal, to be by them devised, altered, and renewed, at their pleasure ; and shall have authority to hold meetings, upon due notice thereof,

Persons incorporated.

thereof, and therein to establish all reasonable orders and bye laws, for the better government of the said corporation, not repugnant to the laws of this Commonwealth ; and by said orders and bye laws, the officers to be appointed in the said corporation, and employed in their affairs, and the manner of electing them ; with their several duties and compensations, shall be determined and specified ; and at such meetings the said corporation shall direct, from time to time, the management, improvement, and disposition of the donations and property, with which they shall be entrusted, and the execution and performance of the trusts and appropriations therein appointed.

Powers of the
Trustees.

SEC. 2. *Be it further enacted*, That the said trustees, for the time being, shall have authority, at any meeting to be called for that purpose, to nominate and appoint other trustees, and to remove any trustee : *Provided*, That there shall not be in the said corporation, at any one time, a greater number than fifteen trustees, nine of whom shall be a quorum for transacting business : *Provided also*, That no trustees shall be removed, unless with the concurrence of a majority of the whole number of trustees for the time being : *And provided likewise*, That whenever the whole number of existing trustees shall happen to be less than ten, no meeting of the said corporation shall be called or holden for any other purpose than that of nominating and electing other trustees.

Empowered to
receive dona-
tions.

SEC. 3. *Be it further enacted*, That the said trustees, and their successors, in their corporate name and capacity, shall be, and hereby are made capable in law to receive, take, hold, possess, manage, dispose of, lease, bargain, sell, and improve, conformably to the intentions, and subject to the limitations and directions of the donors, all donations of money and other personal estate, and of lands and tenements and other real estate, which shall and may be lawfully given, devised or transferred to the said trustees, and which shall be lawfully vested in, or recovered by them, and whereof the proceeds, profits, income, or beneficial interest shall be directed to the purpose of supporting a Bishop in the protestant episcopal church, or of promoting any religious or charitable institution of the said association of churches within this Commonwealth ; and to receive, take, hold, manage, and improve any
other

other real or personal estate, which shall be lawfully conveyed, granted, or assigned to the said corporation in trust, and whereof the income shall be directed and appropriated to the support of a religious pastor or teacher in any society or church, members of the said association of churches, under the superintendence of the same Bishop : *Provided*, That the estates, real and personal, which may be vested in the said corporation, other than such estates and property as may be conveyed or assigned in trust for the support of a religious pastor or teacher as aforesaid, shall not exceed, at any one time, in the annual income thereof, actual or estimated, the sum of fifteen thousand dollars.

SEC. 4. *Be it further enacted*, That the said corporation shall be liable to be sued and impleaded before the Supreme Judicial Court, at the suit of proper parties and complainants, by bill in equity, and according to the course of proceedings in courts of law having jurisdiction in matters of trust, and of donations for pious and charitable uses : and the justices of the said court shall have authority thereupon to enforce the faithful performance, specifically or otherwise, as the case may require, of all trusts and appropriations limited and appointed upon any donations of lands, monies, and other estate, real and personal, which shall be lawfully vested in the said corporation, and to enquire of the disposition and management thereof, and by injunction, sequestration, or otherwise, to be granted and awarded by the said court, such remedies and relief in the premises shall be afforded as to law and justice shall appertain.

Corporation liable to be sued.

SEC. 5. *Be it further enacted*, That the Rev. John S. J. Gardiner and the Rev. Asa Eaton, be and they hereby are authorized to fix the time and place for the first meeting of the said corporation, of which they shall give notice in writing to each member thereof.

First meeting.

[This act passed March 3, 1810.]

CHAP. XCI.

An Act for the security and preservation of Nick's Mate,
an Island in the Harbour of Boston.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, any person or persons, who shall take away, or cause to be taken away or removed with lighters or vessel of any description, any rocks, sand, clay or gravel, from the island of Nick's Mate, in the harbour of Boston, or who shall break down, injure, or deface the monument or building erected on said island, every such person shall forfeit and pay fifty dollars, for every such offence, with costs of suit, to be recovered in an action of debt in any court proper to try the same, one half to the use of the person or persons who shall prosecute for the same, and the other half to the use of this commonwealth.

[This act passed March 3, 1810.]

CHAP. XCII.

An Act limiting the time of payment of costs allowed in
criminal prosecutions, and for other purposes

SEC. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all sums taxed or allowed, or which may hereafter be taxed or allowed, and all other charges which have arisen, or may arise, in any criminal prosecution before the supreme judicial court, or any court of common pleas, and which by law are chargeable to the commonwealth or county, shall be claimed and demanded by the person or persons who are or may be entitled to receive the same, of the county treasurer, within two years next after the passing of this act, or within
three

Time of the
payment of
costs limited.

three years next after the same were or may be taxed or allowed, and not afterwards. And all persons not claiming or demanding such allowances within the time above limited shall be forever afterwards debarred therefrom. And it shall be the duty of every county treasurer, in his general account, required by law to be exhibited to the Governor and Council on the first Monday of June annually, to credit the commonwealth with all such sums, allowed by the Supreme Court, remaining in the county treasury not claimed or demanded within the time above mentioned; and also for all sums taxed in any bill of cost on a criminal prosecution, for the fees of the Attorney General or Solicitor General, when no other person is entitled thereto, and the amount of such sums shall be deducted from the county treasurer's account against the commonwealth; and every county treasurer shall account with his county for all sums received out of the treasury of the commonwealth for jury fees, and for jailer's charges for the maintenance of prisoners.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, no person shall be eligible as county treasurer, who holds the office of Attorney General or Solicitor General, or who is empowered to act as attorney for the commonwealth within the county, nor any person holding the office of justice of the Court of Common Pleas, clerk of the said court, or sheriff.

County Treas-
urer.

[This act passed March 3, 1810.]

CHAP. XCIII.

An Act for continuing an act entitled, An Act providing for the appointing of a Reporter of Decisions in the Supreme Judicial Court.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the act entitled "An Act providing for the appointment of a Reporter of Decisions in the Supreme Judicial Court passed on the eighth day of

of March, in the year of our Lord one thousand eight hundred and four, and continued in force by another act passed March eighth, one thousand eight hundred and six, be and it hereby is further continued, and shall be enforced, together with all the provisions therein, until the eighth day of March, which will be in the year of our Lord, one thousand eight hundred and fifteen.

[This act passed *March 3, 1810.*]

CHAP. XCIV.

An Act to incorporate certain persons into a company by the name of The Lechmere Point Corporation.

Persons incor-
porated.

SEC. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Handasyd Perkins, James Perkins, William Payne, Ebenezer Francis, and Andrew Cragie, being tenants in common of a certain tract of land in the town of Cambridge, in the county of Middlesex, commonly known by the name of Lechmere's Point, and of certain other lands near to said Lechmere's Point, of which said Cragie was seized on the first day of November, in the year of our Lord one thousand eight hundred and eight, and parts of which have been conveyed by said Cragie to the persons named in this act, and others since that time, as by his deeds will appear, together with such persons as now are tenants in common of said lands, or may hereafter associate with them, and their successors and assigns, being citizens of the United States, shall be and hereby are constituted a body politick and corporate, by the name of The Lechmere Point Corporation, for the term of twelve years and no longer ; and the said corporation by the said name, are hereby declared and made capable in law, to sue and be sued, to implead and be impleaded, to have a common seal, and alter and renew the same at pleasure, and to make rules and bye laws for the management and regulations of said estate, consistent with the laws of the commonwealth,

monwealth, and generally to do and execute whatever by law appertains to bodies politick.

SEC. 2. *Be it further enacted*, That the said corporation be capable to have, hold, and possess such part of the said tract of land as may belong to the said proprietors named in this act, and of any others who may associate with them, and shall have power to make streets through the same, and divide it into lots, and to build walls to protect the same from the water, and to erect buildings thereon, and the said corporate property, or any part thereof, to grant, sell, and alien, in fee simple or otherwise, and to lease, exchange, manage, and improve the same according to the will and pleasure of the proprietors, or the major part of them present at any meeting, to be expressed by their votes.

Corporation empowered to hold and improve certain lands.

SEC. 3. *Be it further enacted*, That said proprietors may at any legal meeting agree upon the number of shares into which said estate shall be divided, not exceeding twelve hundred, and upon the form of certificates to be given to individuals, of the number of shares by them respectfully held, and upon the mode and conditions of transferring the same, which shares shall be held and considered as personal estate in the same manner that shares in turnpike, bridge, and canal companies are by law held and considered; the said proprietors shall also have power to assess upon each share such sums of money as may be deemed necessary for laying out, dividing, erecting walls and buildings, and generally for the improvement and good management of their estate aforesaid, agreeably to the true intent of this act, and to sell and dispose of the share or shares of any delinquent proprietors for the payment of assessments in such way and manner, as said corporation by their rules and regulations determine and agree upon: *Provided however*, That the value of buildings which may be owned by the said corporation at any one time shall not exceed thirty thousand dollars in value, exclusive of such as may be taken as security for debts.

To be divided into shares.

Provido.

SEC. 4. *Be it further enacted*, That the property of every individual member of said corporation vested in said corporate fund or estate shall be liable to attachment and to the payment of his just debts according to the provisions of an act entitled, "An Act directing the mode of attaching

Property of individuals liable to attachment.

ing

ing on mesne process, and selling by execution shares of debtors in incorporated companies,”

First Meeting. SEC. 5. *Be it further enacted,* That any two of the proprietors may call the first meeting by advertizing the same in any one of the publick newspapers printed in Boston, at least three days before the time of meeting, and at that or any other meeting may elect a moderator, treasurer, clerk, or other officers, and for such term of time not exceeding one year, as they may judge fit, and the same at pleasure change or remove, and in the choice of officers, or on any other occasion when it shall be required by a majority in value of the members present, the votes shall be given by shares and every member of the corporation shall be permitted to give one vote for every share whereof he is proprietor, unless he be proprietor of more than five shares, and one vote for every five shares above, and absent members may vote by proxy, authorized in writing.

The rights of proprietors not joining the corporation are not affected by this act.

SEC. 6. *Be it further enacted,* That nothing herein contained shall be deemed or construed to effect the right or estate of any proprietor of the said tract who may not associate and become a member of the corporation ; and at the expiration of said term of twelve years, or whenever the Legislature shall deem proper to repeal this act, all real estate then belonging to the said corporation shall be vested in such persons as may then be members thereof, and their respective heirs and assigns as tenants in common in proportion and according to the number of shares which they may then hold : *Provided always,* That the said proprietors shall have power after the expiration of said term to sue for, recover, and divide in their corporate capacity all debts which may then be unpaid : *Provided,* That nothing in this act shall be construed to exempt said real estate from taxation in the town where the same lies . *And provided also,* That the books of said corporation shall be open to all persons having claims and demands on the said corporation or any of its members.

Proviso.

[This act passed March 3, 1810.]

CHAP. XCV.

An Act to incorporate a number of persons in the town of Danvers, by the name of The Danvers Cotton Factory Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Ebenezer Felton, and his associates, together with such others, as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Danvers Cotton Factory Company, for the purpose of manufacturing cotton in the town of Danvers, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed and contained in an act, entitled, "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

Danvers Cotton
Factory
Company in-
corporated.

SEC. 2. *Be it further enacted,* That the said corporation, may lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient, for carrying on the manufacture of cotton, in said town of Danvers.

[This act passed March 5, 1810.]

CHAP. XCVI.

An Act to incorporate Theophilus Bradbury and others, by the name of The Newburyport Mechanick Association.

SECT. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Theophilus Bradbury, and all those who have associated or may hereafter associate with him

Newburyport
Mechanick Af-
sociation incor-
porated.

him, be, and they hereby are incorporated, and made a body politick by the name of The Newburyport Mechanick Association, and by that name shall be known in law ; shall be capable of suing, and be sued ; and shall have power to have and keep a common seal ; to make bye laws for the election of their officers, and members, the collection of assessments, the regulation of their meetings, and appropriation of their funds for charitable purposes ; but shall have power to make bye laws for no other purpose whatever.

Amount of in-
come.

SEC. 2. *Be it further enacted*, That the said corporation shall have power, and be capable in law, to purchase, hold, and possess, in fee simple, or otherwise, personal or real estate : *Provided*, That such personal estate shall not exceed twenty thousand dollars, and such real estate ten thousand dollars, in value.

Income, how
appropriated.

SEC. 3. *Be it further enacted*, That the annual income of said corporation shall be appropriated and employed, exclusively, for the purpose of relieving the distresses of unfortunate mechanicks and their families ; to promote inventions and improvements in the mechanick art, by granting premiums for such inventions and improvements ; and to assist young mechanicks with loans of money.

SEC. 4. *Be it further enacted*, That the said corporation shall be, and continue, for and during the term of ten years, unless the legislature shall within that time, see fit to dissolve the same.

[This Act passed March 5, 1810.]

CHAP. XCVII.

An Act to incorporate the First Universalist Christian Society in Freeport.

Freeport Uni-
versalist Socie-
ty incorporated

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Lufkin, Aaron Lufkin, Samuel Lufkin, Jacob White, Andrew Dennison, Gideon Lane, Solomon Dennison, Benjamin Sawyer, Seth Carver, Afa

Afa Sprague, Joshua Webb, William Jordan, Thomas R. White, David Hooper, Lewis Warner, Isaac Story Hooper, William Byram, Jedidiah Soule, Jun. Daniel York, Samuel Furbush, Joseph Knight, Jedidiah Soule, Gideon Dennison, Daniel Waite, James Soule, David Fogg, Benjamin Fogg, Percy Townsend, Benjamin Townsend, Thomas Rose, Joseph Lufkin, jun. Joseph Davis, Edmund Mounford, Robert Townsend, Joseph Dennison, Thomas Hoyt, Franklin Bridge, Jeremiah Rose, Nehemiah Hooper, Richard Grant, and John Griffin, with their families and estates, together with such others as may hereafter associate with them, or their successors, be, and they hereby are incorporated into a Religious Society, by the name of The First Universalist Christian Society in Freeport, with all the powers, privileges, and immunities to which other parishes or religious societies, are entitled by the constitution and laws of this commonwealth, for religious purposes only.

SEC. 2. *Be it further enacted*, That any person belonging to the said town of Freeport, or in the adjacent towns, who may be desirous of joining in religious worship with, and becoming a member of the aforesaid society, and give in his or her name to the town clerk of said Freeport, or the clerk of the town to which he or she belongs, with a certificate, signed by the minister or clerk of said society, that he or she has actually become a member of, and united with the said Universalist Society in Religious Worship, fourteen days at least previous to the town meeting, to be holden in said town of Freeport, in the months of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as part of said society: *Provided however*, That such persons shall be holden to pay their proportion of all money assessed in the town to which they belonged previous to that time.

Other persons
may be admitted.

SEC. 3. *Be it further enacted*, That if any member of said Universalist Society shall, at any time within one year from the passing of this act, see cause to leave the same, and unite in religious worship with any other religious society in the towns from whence they came, and lodge a certificate of such, his or her intention, with the minister or clerk of said Universalist Society, and also with the clerk of the town to which they belong,

Provide,

Persons desirous of leaving the society—

fourteen days at least, before the town meeting in the months of March or April annually, and shall pay his or her proportion of all money assessed in said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to the said Universalist Society.

First meeting.

SEC. 4. *Be it further enacted*, That any justice of the peace in the county of Cumberland be, and hereby is authorized to issue his warrant, directed to some suitable person, who is a member of said Universalist Society, requiring him to warn and notify the members thereof to meet at such time and place in said town of Freeport, as shall be directed in said warrant, to choose such officers as parishes and religious societies in this commonwealth are by law authorized to choose, in the months of March or April annually.

[This act passed March 5, 1810.]

CHAP. XCVIII.

An Act to incorporate Stephen Giddings and others, into a Society by the name of The United Mechanicks and Manufacturers of Bangor.

United Mechanicks and Manufacturers of Bangor incorporated.

SEC. I. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Stephen Giddings, and all those who have associated, or may hereafter associate with him, be, and they are hereby incorporated and made a body politick, by the name of The United Mechanicks and Manufacturers of Bangor, and by that name shall be known in law, and shall be capable of suing and being sued, and shall have power to have and keep a common seal; to make bye laws for the election of their members and officers, the collection of assessments, the regulation of their meetings, and the appropriation of their funds for charitable uses, but shall not have power to make bye laws or regulations for any other purposes whatever.

SEC.

SEC. 2. *Be it further enacted*, That the said corporation shall have power and shall be capable in law, to purchase, have, hold, use, possess, retain and enjoy, in fee simple or otherwise, any personal or real estate, within this commonwealth, not exceeding the value of twenty thousand dollars in real estate, and ten thousand dollars in personal estate, and the same to sell, alien, and dispose of at their pleasure. Powers and privileges.

SEC. 3. *Be it further enacted*, That the annual income of said corporation shall only be employed for the purpose of relieving the distresses of unfortunate mechanicks and their families, to promote inventions and improvements in the mechanick arts, by granting premiums for said inventions and improvements, and to assist young mechanicks with loans of money. Income, how employed.

SEC. 4. *Be it further enacted*, That the said Corporation shall be and continue for and during the term of ten years, unless the Legislature shall within that time see fit to dissolve the same.

SEC. 5. *Be it further enacted*, That Stephen Giddings, Joseph Heartwell, and Edward Sargent, be and they hereby are authorized and empowered to call the first meeting of said corporation, by giving notice of the time and place thereof, by posting up written notices in Bangor and two adjoining towns, thirty days at least, before the time of such meeting. First Meeting.

[This act passed March 5, 1810.]

CHAP. XCIX.

An Act to make further allowance to the Judge of Probate for the County of Oxford, for his services.

WHEREAS the fees of the Judge of Probate for the County of Oxford, as by law established, may not be an adequate compensation for his services in that office ; Preamble.

SEC.

Court of Com-
mon Pleas em-
powered to
make an allow-
ance to the
Judge of Pro-
bate,

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Court of Common Pleas in said county be, and hereby are authorized and empowered, annually, to grant out of the treasury of said county unto the said judge for the time being, such sum of money, in addition to the legal fees he may receive for his services, as to the said court shall appear just and reatonable : *Provided,* The sum so to be granted, together with the said fees shall not exceed the sum of three hundred dollars per annum, and the said judge of probate shall keep an account of all the fees by him taken in his said office, and shall lay such account, attested by the register of probate, before the said court of common pleas annually, for their information, previous to their making him any grant by virtue of this act.

[This act passed March 5, 1810.]

CHAP. C.

An Act in addition to, and amendment of an act, entitled
An act to regulate the Fishery in Damascotta River, in
the county of Lincoln.

Jurisdiction of
the fish com-
mittees estab-
lished.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the powers of the fish committees in the towns of New-Castle and Nobleborough respectively, so far as may be necessary to carry this act into effect, shall extend to and over all the waters between the head gates at the southerly end of the great pond, called Damascotta pond, and Goose rock so called, in Damascotta bay, including as well the mill stream so called as New-River stream, and the said fish committees in the towns of New-Castle and Nobleborough respectively, shall have the same powers in the regulation and mangement of the fishery, over all the waters comprised within the aforesaid bounds, as they now have, by the aforementioned act over New-River stream ; and no person, by reason of his being
one

one of the said committees, shall be thereby disqualified from being a witness in any prosecution or suit for any breach of this act.

[This act passed March 5, 1810.]

CHAP. CI.

An Act to set off Thomas Saunderson and others, from Deerfield, and annex them to Whately.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that from and after the passing of this act, Thomas Saunderson, Ebenezer Barnard, and Justin Morton, with their polls and estates, together with the lands and the inhabitants thereon, within the limits hereafter described, that is to say, beginning at the south-west corner of Thomas Saunderson's land, in the north line of Whately, thence running northerly on a line parallel with the original east line of Conway to the north line of Lot Number Sixteen, in Long-hill west division, so called, thence running eastwardly on the north line of said lot Number Sixteen to the east end of Justin Morton's land, thence southerly on the east line of Justin Morton's land, to the south line of Wm. Tyron's land, thence eastwardly on the south line of William Tyron's land, to the east side of the county road leading from Deerfield to Whately, thence southwardly on the east line of said county road to the north line of Whately, including all lands within the said running line and the north line of Whately, be, and they hereby are set off from the town of Deerfield, and annexed to the town of Whately: *Provided*, That the polls and estates, hereby taken from Deerfield and annexed to Whately, be holden to pay to the town of Deerfield all town taxes which have been or may be assessed thereon before the first day May next, and all state and county taxes which have been or shall be assessed thereon, until a new valuation shall be taken in this commonwealth; and all officers of the town of Deerfield shall have the like authority and powers, for that purpose, as though

though this act had not passed ; and while said polls and estates are assessed in Deerfield, they shall not for a like tax be assessed in Whately.

[This act passed March 5, 1810.]

CHAP. CII.

An Act to incorporate certain persons, by the name of
The Middlefield Free Stone Company.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Dorr, Nathaniel Ruggles William Lambert, Simon Elliot, Thomas Shephard, Charles Shephard, and John Shephard, with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of The Middlefield Free Stone Company, for the purpose of preparing and finishing for various uses, a quarry of free stone in the town of Middlefield, in the county of Hampshire and for transacting any business necessarily connected therewith, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed the third day of March, in the year of our Lord One thousand eight hundred and nine, entitled, An act defining the general powers and duties of manufacturing corporations.

Persons incor-
porated.

Powers and
privileges.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding sixty thousand dollars, and such personal estate not exceeding one hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufactory aforesaid.

[This act passed March 5, 1810.]

CHAP. CIII.

An Act to incorporate a number of persons, as a religious society, by the name of The Antipædobaptist Society in New Portland.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That William Churchill, Benjamin Churchill, John Churchill, Thomas Coburn, John Elder, Andrew Ellet, John Ellet, Robert Ellet, Alexander Everett, John Everett, Samuel Fling, Benj. Gould, Saml. Hutchins, David Hutchins jr. Michael Jones, Curtis Norton, Freeman Norton, Peter Norton, Joseph Paine, Josiah Parker, Richard Pumery, Henry Quint, Ebenezer Richardson, Richard Williams, Richard Williams, jun. Benjamin York, and Robert York, with their families and estates, together with such others as may hereafter associate with them, in the manner provided in this act, be, and they are hereby incorporated, as a distinct religious society, by the name of The Antipædobaptist Society in New Portland, with all the powers and privileges exercised and enjoyed, and subject to all the duties and disabilities of other religious societies, according to the constitution and laws of this commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That any justice of the peace for the county of Somerset, be, and he is hereby authorized to issue a warrant, directed to some member of the said religious Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as may be appointed in said warrant, for the choice of such officers as parishes and religious societies are empowered to choose at their annual parish meetings.

[This act passed *March 5, 1810.*]

CHAP. CIV.

An Act to amend and explain an act respecting the Fishery in the town of Vassalborough.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the penalties and restrictions, enacted and provided in an act, entitled, An Act to prevent the taking of fish near the mouth of Seven-mile brook, so called, in the town of Vassalborough, in the county of Kennebeck, passed the present session of the General Court, shall extend to every person, and all persons, who shall take fish any where in Kennebeck river, within sixty rods of the mouth of Seven-mile brook, excepting in the manner expressly provided in the said act. [This act passed March 6, 1810.]

CHAP. CV.

An Act to incorporate certain persons, by the name of The Salem Athenæum.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Edward Augustus Holyoke, William Orne, Moses Little, John Treadwell, jun. John Pickering, jun. Benjamin L. Oliver, Leveret Saltonstall, Nathaniel Silsbee, and Samuel Putnam, together with all other persons, who are or shall become members of the said association, be, and they hereby are incorporated by the name of The proprietors of the Salem Athenæum, and by that name may sue, and be sued, plead and be impleaded, defend and be defended, in all and any courts of law, or else where, in all manner of actions, pleas, or controversies whatsoever, and in their said corporate capacity, and by their said name, they and their successors shall be capable in law to purchase, receive, have, hold, take, possess and enjoy, in fee simple, or otherwise, lands,

tenements, rents and hereditaments, not exceeding in the whole, the yearly value of two thousand dollars, exclusive of the building or buildings which may be actually occupied or used for literary purposes. And the said corporation and their successors, shall be capable of taking, receiving and holding by donation, subscription, bequest, or otherwise, money, goods, chattels, effects, and credits, to an amount, the yearly value of which shall not exceed three thousand dollars, exclusive of their books, so that the estate aforesaid shall be appropriated for the promotion of literature, of the arts and sciences, and not otherwise : And the said corporation, and their successors, shall have power to give, grant, sell, alien, convey, exchange, or lease, all or any part of their lands, tenements, or other property, for the benefit and advantage of said corporation.

SEC. 2. *Be it further enacted*, That the said corporation may have a common seal, for their use and benefit, with full power to alter, change, or renew it, whenever they shall think the same expedient. May have a common seal.

SEC. 3. *Be it further enacted*, That the said corporation shall have power to determine when and where their meetings shall be holden, and the manner of notifying and calling the same, and power to choose such officers, with such powers, as they shall judge expedient, and to make bye laws, for the due government of the said corporation and for the due and orderly conducting the affairs thereof, and for and concerning all matters and things relating to said corporation, and the same at pleasure to alter and amend or repeal : *Provided however*, That the powers vested in their said officers, and the said bye laws shall not be repugnant to the constitution and laws of this Commonwealth. Meetings, bye-laws, &c.

SEC. 4. *Be it further enacted*, That the proprietors of said corporation shall have power to impose suitable fines, not exceeding five dollars, for the nonfulfilment or breach of the same bye laws ; and the said corporation shall have a suitable remedy by action to recover such fines in any court of law proper to try the same. Fines.

SEC. 5. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment duly imposed upon his share or shares, in said corporation, for the space of sixty days after the time, set for the payment thereof, How collected.

thereof, the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, after duly notifying in some news-paper printed in the town of Salem, the sum due on such share or shares, and the time and place of sale at least thirty days before the time of sale, and such sale shall be a sufficient transfer of the share or shares so sold to the purchaser, and upon producing a certificate of such sale from the treasurer, such purchaser shall be entitled to a transfer of the share or shares, so sold, on the books of the corporation, and shall be considered to all intents and purposes the proprietor thereof; and the overplus of such sale, if any there be, after payment of such assessment and incidental charges, shall be paid on demand, by such treasurer, to the person whose share or shares were sold as is before provided.

First Meeting.

SEC. 6. *Be it further enacted*, That Edward Augustus Holyoke, William Orne, Nathaniel Silsbee, and Samuel Putnam, or any three of the same, shall have power to call the first meeting of the said proprietors, by advertising the same three weeks successively before the time of such meeting, in some newspaper printed in the town of Salem, and that, at the same meeting, the said proprietors may proceed to execute any or all the powers vested in them by this act.

[This act passed March 6, 1810.]

CHAP. CVI.

An Act to authorize two Justices of the Courts of Common Pleas to transact the business of said Courts in certain cases.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever there shall be a vacancy in any Court of Common Pleas by death, resignation, or otherwise, or whenever any of the justices of said courts shall be unavoidably detained from attending at any term or part of a term thereof, the said courts may be holden
and

Two Justices
may transact
the business of
the court, in
certain cases.

and all the business thereof transacted by two of the justices of such court. And whenever any justice of said courts shall be legally disqualified from acting in any cause or matter pending therein, the same may be heard, tried, acted upon and determined by the other two justices of said court.

[This act passed March 6, 1810.]

CHAP. CVII.

An Act for regulating, governing, and training the Militia of this Commonwealth.

WHEREAS, Congress on the eighth day of May, in the year of our Lord, one thousand seven hundred and ninety-two, passed the following Law—entitled,

“ an Act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States.”

Preamble.

United States
Militia Law.

SEC. 1. *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each and every free, able-bodied, white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is herein after excepted,) shall severally and respectively, be enrolled in the militia, by the captain, or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enrol every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years, (except as before excepted) shall come to reside within his bounds; and shall without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved That every citizen, so enrolled and notified, shall within six months thereafter, provide

Every citizen
to be enrolled,
except—

And notified
thereof.

How armed & equipped.

vide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein, to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball : or with a good rifle, knapsack, shot pouch and powder horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder ; and shall appear so armed, accoutred, and provided, when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed, with a sword or hanger and esponton. and that from and after five years, from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls, of the eighteenth part of a pound.—And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same, exempt from all suits, distresses, executions, or sales, for debt or for the payment of taxes.

Arms may be held free of attachment.

Exempts.

SEC. 2. *And be it further enacted*, That the Vice-President of the United States ; the officers, judicial and executive, of the government of the United States ; the members of both Houses of Congress, and their respective officers ; all custom-house officers, with their clerks ; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States ; all ferrymen, employed at any ferry on the post road ; all inspectors of exports ; all pilots ; all mariners actually employed in the sea service of any citizen or merchant within the United States ; and all persons who now are, or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen and under the age of forty-five years.

Arrangement of the Militia.

SEC. 3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each State shall direct ; and each division, brigade, and regiment, shall be numbered at the formation thereof ; and a record made, of such numbers, in the adjutant-general's office

office in the state ; and when in the field, or in service in the state, each division, brigade, and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number, highest in rank. That, if the same be convenient, each brigade shall consist of four regiments ; each regiment of two battalions ; each battalion of five companies ; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows : To each division, one major general and two aids-de-camp, with the rank of major ; to each brigade, one brigadier-general, with one brigade inspector, to serve also as brigade major, with the rank of a major ; to each regiment, one lieutenant-colonel commandant ; and to each battalion, one major ; to each company, one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant, and one quarter-master, to rank as lieutenants ; one pay-master, one surgeon, and one surgeon's mate ; one serjeant-major ; one drum-major, and one fife-major. How officered.

SEC. 4. *And be it further enacted*, That out of the militia enrolled as is herein directed, there shall be formed, for each battalion, at least one company of grenadiers, light infantry, or riflemen ; and that to each division there shall be at least one company of artillery, and one troop of horse ; there shall be to each company of artillery one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge box to contain twelve cartridges : and each private or matros shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four serjeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and an half high, and to be armed with a sword, and a pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mailpillion, and valise, Light Infantry.
Artillery and Cavalry, how officered and equipped.

ife, holsters, and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the state, not exceeding one company of each to a regiment, nor more in number, than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expence; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

Each battalion
to be furnished
with colours,
drums, &c.

SEC. 5. *And be it further enacted*, That each battalion and regiment shall be provided with the state and regimental colours, by the field officers, and each company with a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as the legislatures of the respective states shall direct.

Adjutant-Gen-
eral, his duty.

SEC. 6. *And be it further enacted*, That there shall be an adjutant-general appointed in each state, whose duty it shall be, to distribute all orders from the commander in chief of the State, to the several corps; to attend all public reviews, when the commander in chief of the State shall review the militia or any part thereof; to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline, established by this act; to furnish blank forms of different returns, that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing that relates to the general advancement of good order and discipline: all which the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make, in the usual manner, so that the said adjutant-general may be duly furnished therewith: from all which returns he shall make proper abstracts, and lay the same, annually, before the commander in chief of the State.

Discipline es-
tablished.

SEC. 7. *And be it further enacted*, That the rules of discipline, approved and established by Congress, in their resolution, of the 29th of March. one thousand seven hundred and seventy nine, shall be the rules of discipline, to be

be observed, by the militia, throughout the United States, except such deviations from the said rules, as may be rendered necessary, by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer, at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained, agreeably to the said rules of discipline.

SEC. 8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them, before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Rank of officers.

SEC. 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of, and provided for, at the publick expense.

Disabled officers & soldiers.

SEC. 10. *And be it further enacted*, That it shall be the duty of the brigade inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described, throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander in chief of the State; to make returns to the adjutant general of the State at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing, which in his judgment may relate to the government, and the general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the State, to the commander in chief of the said State, and a duplicate of the same to the President of the United States. And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said States, which by the laws, customs, or usages thereof, have not been incorporated with, or subject to the general regulations of the militia.

Brigade Inspector.

Adjutant-General to make returns.

Certain Corps
allowed to re-
tain their priv-
ileges.

SEC. 11. *Be it further enacted*, That such corps retain their accustomed privileges, subject nevertheless, to all other duties required by this act, in like manner with the other militia.

And whereas Congress, on the second day of March, in the year of our Lord, one thousand eight hundred and three, passed the following additional law, entitled,

Additional act
of Congress.

“An Act in addition to an act entitled, An Act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States.”

Adjutant-Gen-
eral to make
annual returns
to the Presi-
dent.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the adjutant-general of the militia, in each state, to make return of the militia in each to which he belongs, with their arms, accoutrements, and ammunition, agreeably to the directions of the act, to which this is in addition, to the President of the United States, annually, on or before the first Monday in January, in each year: and it shall be the duty of the secretary of war, from time to time, to give such directions to the adjutant-generals of the militia, as shall in his opinion be necessary to produce an uniformity in the said returns, and he shall lay an abstract of the same before Congress, on or before the first Monday of February annually.

Legal notice of
enrolment.

SEC. 2 *And be it further enacted*, That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the directions of the said act, from and after he shall be duly notified of his enrolment; and any notice or warning to the citizen, so enrolled, to attend a company, battalion, or regimental muster, or training, which shall be according to the laws of the state, in which it is given for that purpose, shall be deemed a legal notice of his enrolment.

Quartermaster-
General.
Brigade Quar-
termaster.
Chaplain.

SEC. 3. *And be it further enacted*, That in addition to the officers, provided for by the said act, there shall be to the militia of each state, one quartermaster-general; to each brigade, one quartermaster of brigade; and to each regiment, one chaplain.

Now

Now therefore, the more effectually to carry the foregoing Laws, and the provisions of the Constitution of this Commonwealth, into execution :

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in addition to the exemptions made by the foregoing laws of the United States, the persons afterwards in this section mentioned, be, and they are hereby either absolutely or conditionally exempted from militia duty, notwithstanding their being of the age of eighteen, and under the age of forty-five years : and that the following be the persons who are *absolutely* exempted, Persons absolutely exempted. viz. the Lieutenant Governour ; the members of the Executive Council ; the Judges of the Supreme Judicial Court, and their Clerks ; the Judges of the Courts of Common Pleas, and their Clerks ; the members of the Legislature, and its Officers, while the same is in session ; Judges of Probate ; Justices of the Peace, holding commissions, and qualified to act as such ; Registers of Probate ; Registers of Deeds ; the Attorney General, and the Solicitor General ; the Secretary and Treasurer of the Commonwealth, and their Clerks ; Sheriffs ; all Officers and Students of any College, actually resident there ; Preceptors of Academies, and School Masters, while actually employed as such ; the President, Professors, and Students of Theological Seminaries ; Ministers of the Gospel, of every denomination ; all Students of Divinity, who shall produce a certificate from an ordained Clergyman, of their being such, and deliver the same to the Commanding Officer of the Company within whose bounds such Student resides ; the first Clerk in the Adjutant and Quarter-Master General's Offices, respectively ; all Officers who have held or may hereafter hold Commissions in the Army or Navy of the United States ; all Officers who have heretofore held or may hereafter hold Commissions in the Militia of this State, or any other State of the United States, for the term of five years, or shall have been superceded and discharged ; the Officers and Guards employed at the State's Prison, in Charlestown ; such Engine men as shall annually produce, to the commanding officer of the company within whose bounds they reside, certificates from the selectmen of their respective towns, that they have been legally appointed

pointed and are bound to perform the duties of Engine men ; and every person of the religious denominations of *Quakers* and *Shakers*, who shall, on or before the first Tuesday of May, annually, produce a certificate to the commanding officer of the company within whose bounds such *Quaker* or *Shaker* resides ; which certificate, signed by two or more of the elders or overseers, (as the case may be) and countersigned by the clerk of the society with which such *Quaker* or *Shaker* meets for religious worship, shall be in substance as follows :

"We, the subscribers, of the Society of the people called in the town of in the county of do hereby certify that is a member of our Society, and that he frequently and usually attends with said Society for religious worship, and we believe is conscientiously scrupulous of bearing arms.

E. F. Clerk.

A. B. } Elders or Overseers."
C. D. } [as the case may be]

Persons conditionally exempted.

And that the persons aftermentioned in this section, notwithstanding their being above the age of eighteen and under the age of forty-five years, be, and they are hereby conditionally exempted from militia duty, as follows, viz. Deputy-Sheriffs and Coroners ; Physicians and Surgeons ; all Officers who have heretofore held, or may hereafter hold, commissions in the militia of this state, or any other state of the United States, for a term less than five years ; and all persons who are, or may hereafter be between the ages of forty and forty-five years, be, and they are hereby exempted from all militia duty, except that of keeping themselves constantly furnished with the arms and equipments required by the laws of the United States, and the duty of carrying or sending them, on the first Tuesday of May annually, to the place of inspection, or view of arms, of the company within whose bounds they may reside, and in which they are enrolled, and the duty of attending elections of company officers, as herein after provided ; *Provided however*, that the persons conditionally exempted as aforesaid, shall pay to the treasurer of the town or district within which such exempt resides, two dollars annually, and produce his receipt therefor to the commanding officer of the company, on or before the first Tuesday of May in each year ; and the said treasurer shall keep an account of all monies

Proviso.

monies so by him received, and such money shall be expended by the selectmen of such town or district for the sole purpose of arming, equipping and uniforming the militia of such town or district, as may not be conveniently able to arm, and equip, and uniform themselves.

SEC. 2. *Be it further enacted*, That the commander in chief, with advice of council, be, and he hereby is authorized and empowered to organize and arrange the militia of this Commonwealth, conformably to the laws of the United States, and to make such alterations therein, as, from time to time, may be deemed necessary. And that in future all applications or petitions for raising companies at large, and all applications or petitions for alterations in the arrangement of the militia, shall be made to the commander in chief; and he, by and with the advice and consent of the council, is hereby authorized to grant such petitions or applications, as to him may appear proper. *Provided however*, That the present organization and arrangement of the militia shall continue, until the commander in chief, with advice of council, shall otherwise order.

Commander in Chief authorized to arrange the Militia.

Provido.

Commissioned Officers before-named, how to be chosen.

SEC. 3. *Be it further enacted*, That the commissioned officers of the militia, named in the aforesaid laws of the United States, shall be chosen and appointed in manner following :

<i>The Major-Generals</i>	{ To be chosen by the Senate and House of Representatives, each having a negative on the other, and to be commissioned by the Commander in Chief.
<i>The Brigadier-Generals of Brigades</i>	{ To be chosen by the written votes of the field officers of their respective brigades, and to be commissioned by the Commander in Chief.
<i>The Field officers of regiments and Battalions</i>	{ To be chosen by the written votes of the captains and subalterns of their respective regiments and battalions, to be commissioned by the Commander in Chief, according to the grades to which they may be elected.
<i>The Captains and Subalterns of Companies</i>	{ To be chosen by the written votes of the non-commissioned officers and privates of their respective companies, of twenty-one years of age and upwards, and to be commissioned by the Commander in Chief, according to the grades to which they may be elected.
<i>The Adjutant-General</i>	{ To be appointed and commissioned by the Commander in Chief, with the rank of Brigadier-General. <i>The</i>

- The Quarter-Master-General* { To be appointed by the Commander in Chief, with advice of Council, and to be commissioned by the Commander in Chief, with the rank of Brigadier-General.
- The Aids-de-camp of the Major-Generals* { To be appointed by their respective major-generals, and to be commissioned by the Commander in chief, with the rank of major.
- The Brigade-Majors, and the Brigade Quarter Masters* { To be appointed by their respective brigadier-generals, and to be commissioned by the Commander in Chief, with the rank of major.
- The Adjutants, the Quarter-Masters, & the Paymasters of regiments* { To be appointed by the lieutenant colonels commandants of their respective regiments, and to be commissioned by the Commander in Chief, with the rank of lieutenant.
- The Chaplains, the Surgeons, and the Surgeon's Mates of regiments* { To be appointed by the lieutenant-colonels commandants of their respective regiments, and to be commissioned by the Commander in chief, as such.

Non-commissioned officers before-named, how appointed.

SEC. 4. *Be it further enacted*, That the non-commissioned officers, named in the afore said laws of the United States, shall be appointed in the manner following :

- The non-commissioned Staff-Officers of regiments* { To be appointed by the lieutenant-colonels commandants of their respective regiments, who shall grant them warrants accordingly
- The non-commissioned Officers of companies* { To be appointed by the captains of their respective companies, who shall forthwith make return thereof to the commanding officer of their respective regiments or battalions, and they shall grant them warrants accordingly.

Other Officers.

SEC. 5. *Be it further enacted*, That in addition to the commissioned and non commissioned officers above enumerated, the following officers and non-commissioned officers shall be appointed in the manner following :

- Aids de-camp to the Commander in Chief not to exceed four in number* { To be appointed and commissioned by the Commander in Chief, with the rank of lieutenant-colonel commandant.
- A Judge-Advocate for each division* { To be nominated by the major-general of each division, and if approved by the Commander in Chief, to be commissioned by him with the rank of major
- An Adjutant and a Quarter-master to each battalion of artillery, and cavalry* { To be appointed by the commanding officers of their respective battalions, and to be commissioned by the Commander in Chief, with the rank of lieutenant.

A Serjeant-Major to each regiment { To be appointed by the lieutenant-colonels commandant of their respective regiments, who shall grant warrants accordingly.

A Quarter-master Serjeant to each battalion of artillery and cavalry { To be appointed by the commanding officers of their respective battalions, who shall grant warrants accordingly.

SEC. 6. *Be it further enacted*, That each major general be, and he hereby is authorised, and it shall be his duty from time to time to give all such orders, as may be necessary, for filling by election, any vacancy or vacancies of brigadier-general, field officer, captain, or subaltern, which does now or may hereafter exist, within his division. And previous to any such election, the electors shall have ten days notice thereof at least; and all returns of elections, or of neglects, or refusals to elect, shall be made to the Commander in Chief, by the major-generals in whose divisions such elections shall have been ordered; and in case of neglect or refusal by the electors to elect any officer, when duly notified and ordered thereto, the Commander in Chief, with advice of Council, shall appoint some suitable person to fill such vacancy. And all commissions shall pass through the hands of the major-generals to the officers within their respective divisions who may be entitled to receive them. And every person, who shall be elected to any office as aforesaid, and shall not within ten days, after he shall have been notified of his election, by the officer who presided thereat, (excepting in case of the choice of major-general, who shall be allowed thirty days after he shall be notified by the Secretary of the commonwealth) signify his acceptance thereof, shall be considered as declining to serve, and orders shall be forthwith issued for a new choice.

Major-Generals to give orders for elections of officers.

Electors to have ten days notice.

In case of neglect, the Commander in chief may fill vacancies.

SEC. 7. *Be it further enacted*, That every officer, duly commissioned in pursuance of the provisions of this act, shall, before he enters upon the discharge of the duties of his office, take and subscribe the following oaths and declarations:

Commissioned Officers to be under oath.

“I, A———, B———, do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be a free, sovereign, and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies, and all hostile attempts whatsoever, and that

Form.

that I do renounce and abjure all allegiance, subjection and obedience, to the King, Queen, or Government of Great Britain, (as the case may be) and every other foreign power whatsoever, and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this Commonwealth, except the authority and power, which is or may be vested by their constituents in the Congress of the United States; and I do further testify and declare, that no man, nor body of men, hath, or can have any right, to absolve or discharge me, from the obligation of this oath, declaration or affirmation, and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily, and truly, according to the common meaning and acceptation of the foregoing words without any equivocation, mental evasion, or secret reservation whatsoever. *So help me God.*

"I, A—— B—— do solemnly swear and affirm, that I will, faithfully and impartially, discharge and perform all the duties incumbent on me, as —— according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution, and the laws of this Commonwealth. *So help me God.*

"I, A—— B—— do swear that I will support the Constitution of the United States."

Which oaths and declarations as aforesaid, each commissioned officer shall take and subscribe before some Justice of the Peace, or before some general or field officer, who has previously taken and subscribed them himself. And on the back of every commission issued after the first day of May next, the following form of certificate of qualification shall be printed.

"This may certify that A—— B——, commissioned as within, on this day of A. D. personally appeared, and took and subscribed the oaths and declarations required by the constitution and laws of this Commonwealth, and a law of the United States, to qualify him to discharge the duties of his office.

Before me —— —"

Certificate of qualification to be written on the back of commissions.

Clerk, how appointed.

SEC. 8. *Be it further enacted*, That to every company there shall be a clerk, who shall be one of the serjeants, and

and he shall be appointed by the captain or commanding officer of the company, and on the back of his warrant as serjeant, the captain or commanding officer of the company, shall in writing certify, that he does thereby appoint him to be clerk of the company. And before such clerk enters upon the duties of his clerkship, he shall be sworn to the faithful discharge of his duty, by taking the following oath before the captain, or commanding officer of the company to which he belongs, who is hereby authorized to administer the same, viz.

“I, A. B. do solemnly swear, that I will faithfully and impartially do and perform all the duties incumbent on me, as clerk of the company to which I belong, according to the best of my abilities and understanding. *So help me God.*” Clerk's oath.

And the captain or commanding officer of the company shall, at the time of his administering said oath, certify on the back of the warrant of the serjeant appointed to be clerk, that he was duly qualified, by taking the oath required by law. And it shall be the duty of the clerk to keep a fair and exact roll of the company, together with the state of the arms and equipments, belonging to each man, which roll he shall annually revise, in the month of May, and correct the same, from time to time, as the state of, and alterations in, the company may require ; to register all orders and proceedings of the company, in the orderly book ; to keep exact details of all drafts and detachments ; to assist the commanding officer of the company, in the enrolment thereof, and also in enrolling all such persons without partiality or favour, liable to any military duty, coming to live within his company bounds, as he may from time to time be informed thereof ; to distribute all company orders and notifications, which he may be required to do ; to examine the equipments of the men, when ordered ; to note all delinquencies, to sue for and recover all fines and forfeitures, which are required by this act, to be sued for, and recovered by him ; to keep accounts in the orderly book of all fines and forfeitures, and all other monies, collected by him, with the persons' names, of whom they were collected, and of the times when, and for what offence, neglect, default or deficiency ; which book shall not be alienated from the company, and shall always be open to the inspection of any officer of the company. His power and duty.

S&C.

Every officer and private to keep himself constantly armed.

SEC. 9. *Be it further enacted*, That every officer, non-commissioned officer and private of infantry, light infantry, cavalry, artillery, grenadiers and riflemen, shall constantly keep himself furnished and provided with the arms and equipments required by the laws of the United States before recited, except such private as shall not be able so to provide himself. And no private shall be considered unable to provide himself with the arms and equipments required as aforesaid, unless he shall produce, after the first day of April and before the first Tuesday in May annually, to the commanding officer of the company to which he belongs, a certificate of such inability, from the overseers of the poor, of the town or district where he resides. And the commanding officer of the company to which such private belongs, shall forthwith lay such certificate before the selectmen of the town or district where such private resides. And it shall be the duty of such selectmen, forthwith, at the expense of their respective towns or districts, to provide for every such private, the arms and equipments required as aforesaid, and they shall deposite the same in some safe and convenient place, and shall permit the commanding officer of the company, to which such private, unable to provide himself as aforesaid, belongs, to deliver such arms and equipments to such private, whenever his company shall be ordered out for any military duty. And the said commanding officer shall be responsible for the safe return of such arms and equipments to the place of deposite.

Selectmen of towns to furnish arms in certain cases.

Uniform dress.

SEC. 10. *Be it further enacted*, That the uniform of the militia, except of companies of artillery, light infantry, cavalry, grenadiers, and riflemen, raised by voluntary enlistment, whose uniforms are regulated by the laws of the United States, before recited, shall be a dark blue cloth coat, with such facings and trimmings, and such hat or cap, waistcoat and pantaloons of such colour and fashion, with half boots, or half gaitres, as a majority of the field officers of each regiment shall direct for such regiment.

Uniforms free from attachment.

SEC. 11. *Be it further enacted*, That every officer, non-commissioned officer, and private shall hold his uniform exempted from all suits, distresses, executions or sales for debt, or the payment of taxes. And no officer, non-commissioned officer, nor private shall be arrested on any

any civil process, during his going unto, returning from, or his performance of military duty ; nor during his going unto, remaining at, or returning from any place, at which he may be ordered to meet for the election of any officer or officers. And no officer shall be arrested on any civil process while going unto, serving upon, or returning from any court martial, court of enquiry, or board of officers, upon which it may be the duty of such officer to attend.

No person can be arrested for debt, while on duty.

SEC. 12. *Be it further enacted*, That the day of the appointment or election of any officer shall be expressed in his commission, and such day shall be considered as the date of his commission. And whenever an officer is transferred from one corps or station to another in the same grade, the day of the date of his original appointment or election shall be expressed in his new commission, and that day be considered the date of his commission. And when an officer shall, by fire or other casualty, lose his commission, upon his making an affidavit thereof, before any judge or justice of any court of record, in the county where he resides, on such affidavit being produced at the Adjutant-General's office, he shall be entitled to receive a new commission, of the same tenor and date as the one so lost as aforesaid. And all officers when on duty shall take rank by the dates of their commissions as above defined. And when two or more officers of the same grade are on duty together, and their commissions bear an equal date, and former pretensions of some commission do not decide, then their relative rank with each other shall be determined by lot, to be drawn by them before the commanding officer present, and when on court martial, before the president thereof.

Dates of Commissions determined.

SEC. 13. *Be it further enacted*, That whenever the office of major general, brigadier-general, lieutenant-colonel commandant, major commandant, or of captain, shall be vacant, the officer next in grade and in commission, in the division, brigade, regiment, battalion, or company, shall exercise the command, and perform the duties thereof, until the vacancy shall be supplied. And in case of the sickness, absence, or other inability of the clerk of any company, the commanding officer thereof is hereby authorized to appoint a clerk pro tempore, who shall be duly sworn, and shall for the time being have all the powers,

In case of vacancies of Major-Generals, &c.—

Vacancy of clerks and non-commissioned officers—

ers, and be subject to all the duties, and be liable to all the penalties of the clerk, in whose place he is put. And whenever a company shall have neither officers nor non-commissioned officers, the commanding officer of the regiment or battalion, to which such company belongs, shall appoint suitable persons within said company to be non-commissioned officers of the same, and grant them warrants accordingly, one of which non-commissioned officers he shall appoint clerk, and shall endorse the warrant of the non-commissioned officer, appointed clerk, and administer the oath to him, as required by the commanding officers of companies, in the eighth section of this act, and the senior non-commissioned officer of a company, while there are no commissioned officers in office, shall command the same; and all the authorities and powers of commanding officer shall be vested in him, until some commissioned officer is chosen or appointed, and has qualified himself. *Provided however*, that when a company, destitute of commissioned officers, shall parade with other troops, the commanding officer present shall assign some commissioned officer or officers to such destitute company, to command the same while on parade.

Artillery, how
arranged and
equipped.

SEC. 14. *Be it further enacted*, That in each brigade, where there are now or may hereafter be two companies of artillery, they shall form a battalion, and be entitled to a major, an adjutant, and a quarter-master; that in each brigade, where there are now, or shall hereafter be three companies of artillery, they shall still form one battalion; and that in each brigade, where there are now, or may hereafter be four companies of artillery, they shall form a regiment of two battalions, and be entitled to a lieutenant-colonel commandant. And each company of artillery shall be provided by the quarter-master-general with two good brass field pieces, of such calibre as the Commander in Chief may direct, with carriages and apparatus complete; an ammunition cart, forty round shot, and forty rounds of cannister shot; also tumbrils, harness, implements, laboratory, and ordnance stores, which may from time to time be necessary for their complete equipment for the field. And the Commander in Chief shall order to be issued, to each company of artillery annually, a quantity of powder, not exceeding

exceeding one hundred pounds, which shall be expended on days of inspection or review, and in experimental gunnery. And the commanding officer of every company of artillery shall be accountable for the careful preservation of the pieces, and all the apparatus aforesaid appertaining to their equipment, and for the proper expenditure of the ammunition supplied by the government. And the commanding officer of every company of artillery shall lay before the committee on accounts for allowance, his accounts of money actually expended in providing horses to draw the field pieces and tumbril of his company : *Provided however*, No allowance shall be made, unless such company is ordered to appear at a battalion, regimental, brigade, or division inspection, or review, or to march out of the town in which the gun house of such company is situated, or unless such company is ordered on duty by the Commander in Chief. And each commanding officer of a company of artillery is hereby authorized to enlist three men to serve as drivers, who, when enlisted, shall be exempted from other military duty.

SEC. 15. *Be it further enacted*, That where there are now, or may hereafter be, two companies of cavalry in a brigade, they shall form a battalion, and be entitled to a major, an adjutant, and a quarter-master. And in those brigades where there are now, or may hereafter be, three companies of cavalry, they shall still form a battalion ; and in each brigade, where there now or may hereafter be four companies of cavalry, they shall form a regiment of two battalions, and be entitled to a lieutenant colonel commandant. And if any non commissioned officer or private of any company of cavalry shall be destitute of a suitable horse and furniture for more than two months, at one time, it shall be the duty of the commanding officer of the company immediately to apply to the brigadier-general of the brigade, whose duty it shall be forthwith to discharge such non-commissioned officer or private from such company, and cause him to be enrolled in the standing company within whose bounds he resides, and if he be a non-commissioned officer, he shall be considered as reduced to the ranks. And when any draft or detachment shall be made from any company of cavalry for actual service, the men drafted or detached shall march with their own horses, and before they march, if there
be

Cavalry, how
officered and e-
quipped.

be time, the horses shall be appraised by three impartial men, to be appointed by the commanding officer of the brigade, to which the company belongs, from which the draft or detachment is ordered,

No standing company may be reduced by the enlistment of cavalry, &c.

SEC. 16. *Be it further enacted*, That no company of cavalry, artillery, light infantry, grenadiers, or riflemen shall be raised at large when any of the standing companies shall thereby be reduced to a less number than sixty four privates ; and no officer of cavalry, artillery, light infantry, grenadiers, or riflemen, shall enlist any men belonging to a standing company, for the purpose of forming or recruiting his company, when, by means thereof, such standing company would be reduced to a less number than sixty-four privates ; and if any company, raised at large, shall at any time be destitute of commissioned officers, and shall neglect to fill the vacancies for two months after being ordered to choose officers to fill them, or if any such company shall be reduced to a less number than twenty privates, and remain so for three months, then in either case as aforesaid, such company shall be disbanded, and the men which belonged to such delinquent company shall be enrolled in the standing company within the bounds of which they respectively reside. And all companies, raised at large, and not annexed to any particular regiment, shall be subject to the orders of the commanding officer of the brigade in which they have been raised ; and shall make their elections of officers in the same manner as other companies, but shall make their returns of elections to the commanding officer of the brigade. And at all parades of regiments, the companies commanded by the two senior captains shall act as light infantry companies, except where companies of light infantry, grenadiers, or riflemen, have been or may be hereafter raised and annexed to the regiment.

Brigadier-General may enlist and organize a band of Musick.

SEC. 17. *Be it further enacted*, That each brigadier-general be, and he hereby is authorized to raise by voluntary enlistment, and to organize and establish within his brigade, a band of musick, not to exceed twenty-four musicians, including one master and two deputy masters ; and each brigadier-general may, at his discretion, divide such band into sections, not exceeding three, and establish them in such parts of his brigade, as in his opinion may most conduce to the good of the service ; and the brigadier-general

ral shall grant the musicians, deputy masters, and master of the band, warrants as such, and each band shall be under the direction of the commanding officer of the brigade in which it is raised. And it shall be the duty of the master and deputy masters, to teach, lead, and command such band, or section of a band, and to issue all such orders as they may be by their brigadier-general authorized to, for those purposes. And each master, deputy master, and musician shall constantly keep himself provided with the uniform of the band to which he belongs, which uniform is to be prescribed by the brigadier-general; and shall also keep himself constantly provided with such instrument or instruments as may be directed. And if any master, deputy master, or musician shall be guilty of any neglect of duty, disobedience of orders, disorderly, or other unmilitary conduct, he shall forfeit not less than *ten*, Duty of Musicians. nor more than *twenty* dollars to the use of the Commonwealth, for each offence, to be sued for by the brigade-major of the brigade, in an action on the case, before any Justice of the Peace in the county where the offender resides, and no appeal shall be allowed to either party; and such master, deputy master, or musician, shall moreover be liable to be removed from the band, at the discretion of the brigadier general, and shall forthwith be enrolled as a private in the standing company within the bounds of which he resides. And each master, deputy master, and musician of a band shall be exempted from all military duty while belonging to the band, excepting such as shall be required of him by the brigadier general, even if the company from which he enlisted should not be full. And it shall be the duty of every brigade-major, who may have recovered any forfeiture from any one belonging to the brigade band, to credit the Commonwealth for the same in his account.

SEC. 18. *Be it further enacted*, That every commanding officer of a company shall parade his company on the first Tuesday of May annually, at one of the clock in the afternoon, for the purpose of inspecting, examining and taking an exact account of all the equipments of his men, and for noting all delinquencies of appearance, and deficiencies of equipment, and for correcting his company roll, in order that a thorough inspection of each company in the Commonwealth may be made. And it shall be the duty of Every company to be paraded the first Tuesday in May, and three other times.

of every commanding officer of a company, to parade his company by his own order, on three several days in the year for training, in addition to the company inspection aforesaid ; and on the three several days of training, to use his best exertions, in instructing and perfecting his men, in their company exercise and evolutions. And whenever the commanding officer of a company shall order out his company for inspection or training, or for any battalion, regimental, brigade, or division inspection, or review, he shall issue his orders to some one or more of the non-commissioned officers or privates of his company, requiring him or them, to notify the men belonging to his company to appear at the time and place appointed ; and it shall be the duty of the non-commissioned officer or officers, private or privates, so ordered as aforesaid, to give notice of the time and place appointed for the parade of said company, to each and every man, he or they shall have been ordered to notify, either by delivering to each man in person, or by leaving at his usual place of abode, a written or printed order. And no notice shall be legal, for any company inspection or training, or for any battalion, regimental, brigade, or division inspection, or review, unless the same shall be given four days at least previous to the time appointed therefor. *Provided always*, that in case of invasion, insurrection, or other emergency, any notice, however short, shall be legal and binding. And in all cases the testimony of the clerk, or any other non-commissioned officer or private, who shall have received orders to notify the whole or any part of the men, of any company, to appear at a time and place appointed, for any military duty, shall be conclusive to prove, that due notice was given to the party prosecuted, unless such testimony be invalidated by other evidence. And whenever any company shall be paraded, the commanding officer of such company is hereby authorised verbally to notify the men so paraded, to appear on some future day, not exceeding thirty days from the time of such notification. and such notice shall be legal, as it respects the men present.

Legal notice to
be given there-
of.

Commanding
officers to fix
limits to their
parade.

SEC. 19. *Be it further enacted*, That every commanding officer, when on duty, is hereby authorised to ascertain and fix necessary limits and bounds to his parade, (no road in which people usually travel to be included) within which no spectator shall have a right to enter, without liberty

liberty from such commanding officer : and in case any person shall intrude within the limits of the parade, after being once forbidden, he shall be subject to be confined under guard during the time of the parade, or a shorter time, at the discretion of the commanding officer.

SEC. 20. *And be it further enacted*, That any keeper of a tavern, boarding house, or master or mistress of any dwelling-house who shall refuse to give information of the name or names of any person or persons residing with him or her, liable to military duty, when applied to for that purpose by the commanding officer of the company, within the bounds of which such tavern, boarding house, or dwelling-house is situated, or when applied to for that purpose by any person acting under the orders of such commanding officer, or shall give any false information upon such application, every such person so offending shall forfeit twenty dollars, to be sued for by the clerk of the company in an action on the case before any justice of the peace of the county where such offender resides. *House Keepers to give in the names of their boarders to the commanding officer.* And in all cases of doubt respecting the age of any person intended to be enrolled, the party questioned as to his age shall prove the same to the satisfaction of the enrolling officer ; and if any person liable to military duty, upon application to him personally by the commanding officer of the company, within the bounds of which such person resides, or upon application, as aforesaid by any person acting under such commanding officer, shall either refuse to give his name, or not give his name truly, every such person, so offending, shall forfeit twelve dollars, to be sued for in the manner before pointed out in this section. *Penalty.*

SEC. 21. *Be it further enacted*, That when any non-commissioned officer or private in any company, shall receive orders from the commanding officer of such company, to notify and warn such company, or any part thereof, to meet for the purpose of choosing any officer or officers, it shall be the duty of such non-commissioned officer or private to give every person he is so ordered to warn, personal notice, or to leave him a writ or printed notification at his usual place of abode, specifying the time, place, and purpose of said meeting ; and no election of a company officer shall be valid in future, unless a majority of the qualified voters of the company are present at the election. *Notifying for choice of officers.*

Towns to be
provided with
ammunition.

SEC. 22. *Be it further enacted*, That every town and district, within this commonwealth, shall provide and deposite, and constantly keep provided and deposited in some suitable and convenient place within said town or district, sixty-four pounds of good gunpowder; one hundred pounds of musket balls, each of the eighteenth part of a pound; one hundred twenty-eight flints, suitable for muskets; three copper, iron, or tin camp kettles, for every sixty-four soldiers enrolled within said town or district; and the same proportion of the aforesaid articles for a greater or less number of soldiers enrolled as aforesaid. And every town or district, which shall neglect to keep itself constantly provided with the articles aforesaid, and in the proportions aforesaid, shall forfeit and pay to the use of the commonwealth, a sum not exceeding five hundred dollars, nor less than twenty dollars, according to the nature and degree of the neglect, to be recovered by indictment or information in any court of competent jurisdiction.

Penalty.

To be inspected
by the brigade
quarter-
master.

And it shall be the duty of the brigade-quarter-master, in the month of September annually, personally to examine, view, and inspect the military stores (to be provided by every town and district as aforesaid) of each town and district within his brigade; and to make out a schedule of all the articles of stores, with their quality and condition, in which he shall note all defects and deficiencies, and shall enter and record the same in a book to be kept by him for that purpose, and transmit a copy of such schedule, certified by him, to the office of the adjutant-general, on or before the first day of November annually. And it shall further be the duty of each brigade-quarter-master to cause every town or district, within his brigade, to be prosecuted or presented, which town or district he shall find upon his inspection to be deficient, either in the quality or quantity of military stores, required to be provided as aforesaid, or which he shall find to have neglected to make the provisions, or any part thereof required as aforesaid.

Selectmen to
supply powder
for reviews.

SEC. 23. *Be it further enacted*, That the selectmen of every town and district shall supply, at the expence of such town or district, or cause the commanding officer of each company within said town or district to be supplied with one quarter of a pound of good powder made into blank cartridge,

cartridges, for each non-commissioned officer and private borne on the company roll of such commanding officer, whenever such commanding officer's company is ordered to parade for review, provided such commanding officer makes a written application therefor, stating therein the number of men to be supplied.

SEC. 24. *Be it further enacted,* That whenever in case of threatened or actual invasion, insurrection, or other publick danger or emergency, the militia shall be ordered out, or any part thereof shall be ordered to be detached or drafted by the Commander in Chief, any person who shall be ordered out, detached, or drafted, in pursuance of and obedience to such orders, and being notified thereof, and ordered to march to the place of rendezvous, and shall neglect or refuse to obey such orders, and shall not within twenty-four hours, after he shall have been notified as aforesaid, pay a fine of fifty dollars, to the commanding officer of the company to which he belongs, or procure an able bodied man in his stead, such person shall be considered as a soldier, belonging to the detachment, and be dealt with accordingly. And all fines paid as aforesaid, shall be appropriated to the hire of men to complete the detachment. And the officers of any detachment, ordered to be made as aforesaid, shall be regularly detailed from the rosters, and the non-commissioned officers and privates by lot, from the company rolls : And when any company shall not be organized, the officer commanding the brigade or regiment, shall either by himself or some other under him, proceed to make and complete the detachment, from such unorganized company. And whenever the militia, or any part thereof, after having been ordered out or detached as aforesaid, shall be ordered to march for the service of this State, each non-commissioned officer and private, so ordered to march, shall provide and take with him three days provisions, unless otherwise ordered. And the selectmen of every town and district, to which the men detached as aforesaid, and ordered to march for the service of this State, belong, shall provide and cause carriages to attend them with further supplies of provisions, and also the necessary campequipage and camp utensils, until notice shall be given them by the commanding officer of the detachment to desist, and the selectmen shall present their

In case of invasion—

accounts for supplies to the General Court for allowance. And whenever the selectmen of any town or district, from which a detachment or part thereof as aforesaid shall march, and being notified by the commanding officer of such detachment or part thereof, belonging to such town or district, and shall neglect or refuse to furnish the necessary supplies, camp equipage, and camp utensils, the town or district to which the selectmen, neglecting or refusing as aforesaid, belong, shall forfeit not less than two hundred nor more than five hundred dollars, to be sued for and recovered by any person, who may prosecute for the same, in an action on the case, in any court of competent jurisdiction, one moiety to the prosecutor, and the other to the use of the commonwealth. And the officer to whom, or by whose order any camp equipage or camp utensils, shall be delivered, shall be accountable for the same, unless injured or lost by some accident not in his power to prevent.

All troops to
be paraded
once in each
year for review.

SEC. 25. *Be it further enacted*, That all the troops of each division shall be paraded once in each year for review, inspection, and discipline, either in brigades, regiments, or battalions of regiments, (regard being had to the scattered or compact situation of the troops) at such times as the commanding officer of the divisions may order. And when a brigade review or inspection is ordered, the commanding officer of the brigade shall appoint the place, and give notice thereof to the commanding officer of the division; when a regimental review or inspection is ordered, the commanding officer of the regiment shall appoint the place, and give notice thereof to the commanding officer of the brigade; and when a review or inspection of a regimental battalion is ordered, the commanding officer of the regiment shall appoint the place, and give notice thereof to the commanding officer of the brigade. And the places to be appointed for reviews or inspections as aforesaid, shall always be as central as, in the judgment of the officer pointing out the place, convenience will admit. And the artillery, cavalry, and other troops raised at large, and not annexed to any particular regiment, shall be reviewed and inspected once in each year, either by themselves, or with the brigades, regiments, or battalions of regiments, as the commanding officer of the respective divisions may order
and

and direct. *Provided*, that no officer, non commissioned officer or private shall be obliged to march a greater distance from his home than fifteen miles to any brigade review.

SEC. 26. *Be it further enacted*, That no officer, non-commissioned officer or private shall be holden to perform any military duty on any day (except on days which are or may be specially prescribed by law) on which the selectmen of the town or district, in which such officer, non-commissioned officer or private resides, shall appoint a meeting for the election of a representative to the general court, nor shall there be any military parade on the day pointed out by the constitution of this commonwealth for the election of governor, lieutenant-governor and senators, nor on any day which may be appointed for the choice of electors of president and vice president of the United States, or representatives to congress. And it shall not be lawful for any officer to parade his men on either of said days, unless in case of invasion made or threatened, or in obedience to the orders of the commander in chief, except as is herein before excepted.

No military parade lawful on certain days.

SEC. 27. *Be it further enacted*, That each regiment and battalion shall be furnished with the state and regimental colours; and each company of infantry, artillery, light infantry, grenadiers, and riflemen shall be furnished with a drum and fife, or bugle horn, and each company of cavalry with a trumpet: and each brigadier-general, after the first day of August next ensuing, is hereby authorized to draw orders upon the quarter-master-general, in favour of the commanding officers of regiments, battalions, and companies, for the above purposes, that the several regiments, battalions, and companies, may be supplied as aforesaid. And the commanding officers of regiments and battalions shall be responsible for the safe keeping of their colours; and the commanding officers of companies shall be responsible for the safe keeping of the drums, fifes, bugle horns, and trumpets, delivered to them for the use of their companies. And the adjutant-general shall furnish blank orders for the commanding officers of companies to order their non-commissioned officers and privates to notify their men to attend all the inspections, trainings, and reviews, and meetings for the choice of officers, which shall be ordered; also blank notifications or orders, to be left with the men by the non-commissioned

State and regimental colours, Drums, Fifes, &c.

commissioned officers or privates, ordered to notify as aforesaid, and it shall not be necessary that seals be affixed to any orders whatever.

Parents and
masters to e-
quip minors.

SEC. 28. *Be it further enacted*, That all parents, masters or guardians, shall furnish all minors enrolled in the militia, who shall be under their care respectively with the arms and equipments, required by this act ; and if any parent, master, or guardian, having any minor under his care, enrolled as aforesaid, shall neglect to provide such minor with the arms and equipments, required by this act, he is hereby subjected and made liable to the same forfeitures, as such minor would be liable to, for a like deficiency or neglect, if such minor were of age : *Provided however*, That such parents, masters, or guardians as shall produce, on or before the first Tuesday of May, annually, certificates from the overseers of the poor of the town or district in which they reside, of their inability to provide arms and equipments as aforesaid, to the commanding officer of the company in which the minor under their care is enrolled, shall be exempted from the forfeitures aforesaid.

No person ex-
empted for in-
firmity, without
a certificate.

SEC. 29. *Be it further enacted*, That no non-commissioned officer or private of any company shall be exempted from military duty on account of bodily infirmity, unless he shall obtain from the surgeon or surgeon's mate of the regiment to which he belongs, if either of those officers are commissioned in such regiments ; if not, from some respectable physician living within the bounds of the same, that he is unable to perform military duty on account of bodily infirmity, the nature of which infirmity is to be described in said certificate, and the commanding officer of the company may, on the back of such certificate, discharge the non-commissioned officer or private, named therein, from performing military duty, for such a term of time as he shall judge reasonable, not exceeding one year, which certificate, if approved and countersigned by the commanding officer of the regiment, or battalion, to which the disabled non-commissioned officer or private belongs, shall entitle him to exemption from military duty for the time specified. And any non-commissioned officer or private, having obtained a certificate as aforesaid, and who may be refused a discharge, or an approval of a discharge, as aforesaid, may apply to the commanding officer of the brigade for a fur-
ther

ther examination of his case, and if, on such examination, the commanding officer of the brigade shall be well satisfied that the bodily infirmity of such non-commissioned officer or private is such that he ought to be discharged, he is hereby authorized to discharge him from military duty for such time as he shall judge reasonable, not exceeding one year, which being certified by the commanding officer of the brigade on the back of the certificate, shall discharge the non-commissioned officer or private from military duty, for the time specified by the commanding officer of the brigade.

SEC. 30. *Be it further enacted*, That if any officer, non-commissioned officer or private, shall be killed, or die of wounds received when on any military duty required by this act, his widow, child, or children, shall receive from the general court such relief as shall be just and reasonable. And if any officer, non-commissioned officer, or private, shall be wounded, or otherwise disabled when on such duty, he shall receive from the general court just and reasonable relief.

Killed and wounded.

SEC. 31. *Be it further enacted*, That the commander in chief shall appoint general courts martial for the trial of all officers above the rank of captain ; and the major-generals, or commanding officers of divisions, each within his own division, shall appoint division courts-martial for the trial of captains and officers under that rank ; and whenever a court martial is ordered, the officer ordering it shall appoint the president and marshal of the same ; and if it be a general court martial, orders shall be issued to such divisions as, in the opinion of the commander in chief, may most conveniently furnish the members thereof ; if it be a division court martial, orders shall be issued to such brigades, regiments, battalions or companies, within the division, as in the opinion of the major-general or commanding officer of the division, may most conveniently furnish the members thereof. The president of a general court martial shall in no case be under the rank of brigadier-general, and the president of a division court martial, shall in no case be under the rank of lieutenant colonel commandant. And whenever the commanding officer of a division, brigade, regiment, or battalion, shall be ordered to furnish any officer or officers, as member or members, supernumerary, or supernumeraries of a court

Courts-Martial, how appointed and organized.

court martial, such officer or officers shall be regularly detailed from the roster of the division, brigade, regiment, or battalion by the commanding officers thereof, respectively, forthwith, after having received orders therefor as aforesaid : *Provided however*, that in case of inability, sickness, or absence of any officer, whose turn it would be to serve on a court martial, the detailing officer shall certify such circumstance to the officer who ordered the court martial, and detail the officer next in rotation. And the officers, ordered to be detailed to serve on courts martial, shall be detailed in the following manner. Major-generals, by the commander in chief, or his orders, from the general roster ; brigadier-generals, by the commanding officers of divisions, from the division rosters : lieutenant-colonels and majors by the commanding officers of brigades, from the brigade rosters ; and captains and subalterns by the commanding officers of regiments or battalions, from the regimental or battalion rosters, as the case may be. All courts martial shall be constituted of a president, a judge advocate, twelve members, and a marshal. And the officer appointing a court martial, may, at his discretion, order a number of officers, not exceeding six, to be detailed as supernumeraries, in addition to the twelve intended to serve as members, to attend the court at the organization thereof ; and in case there should be any vacancy or vacancies, the judge advocate shall fill such vacancy or vacancies, from the supernumeraries, beginning with the highest in grade, and proceeding in regular rotation. All officers on a court martial shall take rank by seniority of commission, without regard to corps. Before any court martial shall proceed to the trial of any officer, the judge advocate shall administer to the president and each of the members, singly, the following oath :

Members to be sworn.

Oath.

You, A. B. do swear, that without partiality, favour, affection, prejudice, or hope of reward, you will well and truly try the cause now before you, between this Commonwealth and the person or persons, if more than one is accused in the same complaint, to be tried ; and you do further swear, that you will not divulge the sentence of this court martial, until it shall be approved or disapproved of, and that you will not, on any account, at any time whatever, discover the vote or opinion of any member, unless required to give evidence thereof,

thereof, as a witness, by a court of justice, in a due course of law. So help you GOD.

And the president shall administer to the judge advocate the following oath :

Judge Advocate to be sworn.
Oath.

You, A. B. do swear, that you will faithfully and impartially discharge your duties as judge-advocate on this occasion, as well to the commonwealth, as to the accused, and that you will not, on any account, at any time whatever, divulge the vote or opinion of any member of this court martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you GOD.

All persons shall be holden to appear and give evidence, before any court martial, when thereto summoned by the judge-advocate, or a justice of the peace, under the same penalties for neglect, as are by law provided against witnesses who neglect to appear when summoned to give evidence in criminal prosecutions. All witnesses shall be sworn or affirmed by the judge-advocate before they give their evidence to the court, and the form of the oath or affirmation to a witness shall be as follows :

Witnesses holden to appear as in other courts, on penalty.

You A. B. do swear (or affirm, as the case may be) that the evidence you SHALL give, in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you GOD. (or, this you do under the pains and penalties of perjury, in case the witness shall affirm.)

Their oath.

When any member of a court martial is challenged, either on the part of the government, or the accused, the cause of the challenge must be stated in writing, of which the court, after due deliberation, shall determine the relevancy or validity, and decide accordingly. And no challenge to more than one member at a time, shall be received by the court. On questions of challenge, the member objected to shall not vote, but the president may vote with the members, that the number of votes may remain twelve. And in no case shall a challenge be acted upon, until the president, and judge-advocate, and the intended members are sworn. All trials by courts-martial shall be carried on in the day time, and when the votes are called for, on a question, the judge-advocate shall begin with the youngest in commission, and proceed regularly to the oldest. And at all courts-martial, unless two thirds of the members agree that the accused is guilty, the

in case of challenges—

Trials, how conducted.

the judge-advocate shall record his acquital ; but if two thirds, or more, pronounce the accused to be guilty, the court shall sentence him either to be reprimanded in orders, or removed from office ; and if any officer be sentenced to be removed from office, the court shall adjudge him to be disqualified for, and incapable of, holding any military office under this Commonwealth, either for life or term of years, according to the aggravation of his offence : which sentence, either of reprimand in orders, or removal from office, if approved, shall remain in full force ; but the judgment of disqualification may be reversed by the commander in chief, with advice of council. And all courts martial are hereby authorized to preserve order during their session ; and if any person or persons, in presence of a court martial, shall behave in a disorderly manner, or make any tumult in, or disturb a court martial, and shall not upon command of the marshal thereof, desist therefrom, it shall be lawful for the court martial to confine such disorderly person or persons for a time not exceeding eight hours.

Boards of officers and Courts of Inquiry, how instituted and organized.

SEC. 32. *Be it further enacted*, That the commander in chief may call boards of officers, whenever in his opinion they may be necessary, for settling military questions, or for other purposes relative to good order and discipline. And the commander in chief, or the major-generals, or commanding officers of divisions, each within his own division, may order courts of inquiry, to examine into the nature of any transaction, or any accusation, or imputation against any officer, when made by an inferior. *Provided however*, That courts of inquiry on all officers above the rank of captain are to be ordered by the commander in chief ; and courts of inquiry on captains and other officers under that rank are to be ordered by the major-generals or commanding officers of divisions. And courts of inquiry shall always consist of three officers, with the judge-advocate of the division in which they are holden, or some other suitable person, in case of his inability to attend, or any legal impediment to his acting, all of whom shall be sworn. These courts shall have the same power to summon witnesses as courts martial, and to examine them on oath ; but they shall not give their opinions on the merits of the case, unless they are specially required so to do. The parties shall

shall also be permitted to cross-examine and interrogate the witnesses so as fairly to investigate the circumstances in question. The proceedings of a court of inquiry are to be authenticated by the signatures of the president and judge-advocate, and are to be transmitted by the judge advocate, under seal, to the officer who appointed the court. The judge-advocate shall administer to each of the officers composing a court of inquiry the following oath :

You, A. B. do swear that you will well and truly examine and inquire into the matter now before you, without partiality, favour, affection, prejudice, or hope of reward. So help you GOD.

To be sworn

Oath,

After which the president shall administer to the judge-advocate the following oath :

You, A. B. do swear, that you will impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you GOD.

Judge Advocate's oath.

The judge-advocate shall administer to the witnesses the same oath or affirmation, as the case may be, as is prescribed in the thirty-first section of this act, to be administered to witnesses before a court martial. And as courts of inquiry, when not properly regulated, may be prevented to improper purposes, all other courts of inquiry than those above provided for are prohibited.

Witnesses to be sworn.

SEC. 33. *Be it further enacted,* That it shall be the duty of the judge-advocates to attend all general and division courts martial, and all courts of inquiry, within the divisions in which they are respectively commissioned, when thereto ordered. *Provided nevertheless,* That it shall be in the power of the commander in chief, or the major-generals, or commanding officers of divisions, to appoint a judge-advocate, *pro tempore*, to any particular court martial, or to any particular court of inquiry, appointed to be holden, in case of inability of the division judge-advocate, or in case of any legal impediment to his acting. And it shall further be the duty of each judge-advocate, or person officiating as such, at any court martial, impartially to state the evidence both for and against the officer or officers under trial ; to take accurate minutes of the evidence, and of the proceedings of the court, all of which, with the judgment of the court thereupon, authenticated by his signature, and

Duty of the Judge Advocate.

that of the president of the court, with the papers used at the trial, or copies thereof, certified by him, he shall transmit under seal to the officer, whose duty it is to approve or disapprove of such judgment and proceedings : and all motions and objections to evidence, whether on the part of the commonwealth or the accused, and the opinions of the judge-advocates on questions of law made at the trial, shall be given in writing : and the statement of the complainant, and the defence of the accused, shall be made in writing, in order that a full view of the trial may be had by the officer who ordered the court. And the original records of the proceedings and judgment of all general and division courts martial, after having received the approbation or disapprobation of the officer who appointed them, shall, as soon as opportunity of time and distance will admit, after such courts martial are dissolved, be deposited in the office of the secretary of state, where they shall be carefully kept and preserved ; and the officer who appointed a court martial shall be entitled to receive, upon his demand, a copy of the original record from said office, certified by said secretary. And the party tried by any general or division court martial, upon request made at the office of the secretary of state, by himself, or any person authorized in his behalf, shall be entitled to a copy of the original record, certified as aforesaid, of the proceedings and judgment of the court martial which tried him, he paying reasonably therefor.

rules for the
government of
the Militia,
when not in
actual service.

SEC. 34. *Be it further enacted*, That the following shall be the rules and articles by which the militia of this commonwealth shall be governed, when not in actual service.

Article 1. Every commissioned officer, who shall be guilty of any unmilitary conduct, neglect of duty, or disobedience of orders, or who shall, when on duty, appear or behave himself in an unofficer-like manner, or who shall wilfully oppress or injure any under his command, or who shall at any time set on foot, or join in any combination to resist or evade the lawful orders of any commissioned officer, shall be liable to be tried by a court martial.

Article 2. If any officer shall in due course of law be convicted of any infamous crime, he shall be forthwith
put

put in arrest, and deprived of all military command, until an opportunity shall be had for both houses of the legislature to address the governor for his removal.

Article 3. Every officer, to be tried by a court martial, shall be put in arrest, so as to be suspended from the exercise of his office, and shall have a copy of the charges exhibited against him, and notice of the time and place appointed for his trial, which copy and notice shall be given ten days at least before his trial is commenced.

Article 4. In case any officer, for the trial of whom a court martial is appointed, shall neglect to appear and make defence, or if appearing shall afterwards withdraw in contempt of the court, or being arraigned before a court martial, shall from obstinacy or deliberate design stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment as if he had regularly pleaded not guilty.

Article 5. If any officer, after having been put in arrest, shall presume to exercise any military command, until he is discharged from his arrest, he shall be liable to be tried by a court martial, and if convicted, he shall be removed from office.

Article 6. No officer shall be tried by a court martial for any offence which shall have been committed more than one year, previous to the time when a complaint shall have been made in writing therefor, unless he, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

Article 7. Every captain or commanding officer who shall either neglect or refuse to call out his company as often as, and at the times required by this act, or at any other time, when thereto required by his superiour officer, or who shall at any time excuse any under his command for unnecessary absence or deficiency, shall be liable to be tried by court martial.

Article 8. No officer shall be permitted to resign while under arrest. And no resignation of any officer shall be approved, if such resignation be offered between the first day of May and the first day of November, unless the reasons offered by the officer wishing to resign within those days, be very urgent.

Article

Powers and
duties.

town of Ware, in the county of Hampshire; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations."

Possession
of property
allowed.

SEC. 2. *Be it further enacted*, That said company may be lawfully seized and possessed of such real estate within the town of Ware, not exceeding the value of eighty thousand dollars, and such personal estate not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the business of exploring, digging and working any ore, minerals, metals, or fossils, in the town of Ware.

[This act passed *February 27, 1811.*]

CHAP. XCVII.

An Act to authorize the sale of the lands reserved in the town of Bethel, for the use of Schools and the Ministry, and for other purposes.

Trustees in-
corporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Barker, Peregrine Bartlett, Timothy Carter, John Holt, Asa Kimbal, Eli Twitchel, and Peter York, be, and they are hereby appointed and incorporated, by the name of The Trustees of the Bethel School and Ministry Fund; and by that name, they and their successors in the said office, shall be and continue a body politick and corporate forever; and they shall have a common seal, subject to alteration, and they may sue and be sued in all actions, real, personal or mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid: and the said Trustees and their successors, may annually elect one of their number as President, and also a Clerk to record the doings of the said Trustees, and a Treasurer to receive and pay the monies, according to the provisions of this act, and also any other officers which may be necessary for the better

Officers to
be elected.

management and improvement of the said fund : and the Treasurer of the said fund shall give bond to the said Trustees for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct of any kind in his office.

SEC. 2. *Be it further enacted*, That the said Trustees be, and they are hereby authorized and empowered to sell and convey the lands which were originally reserved in the grant of the said township, for the use of Schools and the Ministry in said town ; and the monies arising from the sale of the said lands shall be put on interest, and form a fund for the support of schools and the ministry in the said town, and which shall be under the care and management of the Trustees aforesaid, in the manner provided for and directed in this act. And all donations, grants, bequests or legacies, which have been or may be hereafter made to the same use and purpose, shall be added to the said accumulating fund, and be under the same care and management of the Trustees aforesaid. And when the said Trustees do loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate to the full value of the estate or land sold, or money loaned, or by two or more sufficient sureties, with the principal, unless the said Trustees shall think it best to invest the said proceeds in publick funded securities, or in bank stock, which they shall have authority to do. And the interest, and that only, shall be annually appropriated for the uses aforesaid ; and it shall never be in the power of the said Trustees to alter or alienate the appropriations of the said fund. And the deed or deeds which the said Trustees may make in their said capacity, when duly executed and subscribed, acknowledged and delivered by the Treasurer, under the direction of the Trustees, shall be valid and effectual in law, to pass and convey the fee simple title from the town to the purchaser.

Trustees authorized to sell or convey.

Security for monies loaned.

SEC. 3. *Be it further enacted*, That the said Trustees, Treasurer, or other officers shall be entitled to receive no compensation for the services they may perform, from any monies belonging to the said fund, but a reasonable compensation may be made them by the town, and the said Trustees, and each of them shall be responsible to the

Officers pay.

town for their personable negligence or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting therefrom to the fund, and the debt or damage recovered in such suit, shall be to the use and disposal of the town. And the said Trustees and Treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the fund, at the annual meeting in March or April.

Justice to is-
sue Warrant. SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Oxford, is hereby authorized to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, at such convenient time and place as may be appointed in said warrant, to organize the said corporation by the election of its officers.

[This act passed *February 27, 1811.*]

CHAP. XCVIII.

An Act to incorporate a number of the inhabitants of the town of Winthrop, into a religious society, by the name of The Methodist Society in the town of Winthrop.

Persons in-
corporated. SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Nathaniel Bishop, Thomas Jacobs, Benjamin Fairbanks, Rial Stanley, Asa Robbins, Eleazer Robbins, Otis Foster, Daniel Foster, Nathan F. Cobb, Alfred Chandler, Daniel Marrow, Timothy Foster, Enos Fairbanks, David Fairbanks, Benjamin Fairbanks, jun. Jonas Allen, and Elizabeth Lake, together with such others as already have associated or may hereafter associate with them and their successors, be, and they are hereby incorporated into a separate religious society, by the name of The Methodist Society in Winthrop, with all the powers and privileges, and subject to the same duties with other religious societies, according to the Constitution and Laws of this Commonwealth. *Provided however*, that all such persons shall be holden to pay their respective proportions of all monies legally assessed for parochial purposes, in the parish or religious society to which he or she formerly belonged.

Proviso.

SEC. 2. *Be it further enacted*, That any person belonging to any other religious society in said town of Winthrop, who may desire to join with the said Methodist Society, shall declare such intention, in writing, delivered to the minister or clerk thereof, and also a copy of the same, delivered to the town clerk, or to the clerk of such other society (as the case may require); and if such person do produce a certificate, signed by the minister, deacon, or clerk of the said Methodist Society, that he or she has united with and actually become a member thereof, such person shall, from the date of said certificate be considered, with his or her polls and estate, as a member of the said Methodist Society. Method of joining the society.

SEC. 3. *Be it further enacted*, That when any member of said Methodist Society shall see cause to secede therefrom, and to unite in religious fellowship with any other religious society, shall give notice of such intention, in writing, to the minister or clerk of the said Methodist Society, and deliver a copy of the same to the clerk of the town, or to the minister or clerk of such other society (as the case may be) fifteen days before the annual meeting, and shall produce a certificate of admission, signed by the minister, elder, or clerk thereof, such person, with his or her polls and estate, shall, from the date of such certificate, be considered as a member of the society, with which he or she hath so united. *Provided however*, that in every case of secession, every such person shall be holden to pay his or her proportion of all parish or society charges and assessments, legally assessed and not paid previous to such secession. Method of leaving the society.

SEC. 4. *Be it further enacted*, That either of the Justices of the Peace for the County of Kennebeck, be, and he is hereby authorized, upon application therefor, to issue a warrant, directed to a member of the said Methodist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such officers, as the customs and rules of the said society do require, and as religious societies are by law empowered to choose and appoint at their annual parish or society meetings. Proviso.

[This act passed *February 27, 1811.*]

Justice to issue Warrant.

CHAP. XCIX.

An Act in explanation of part of the fourth section of an act, entitled An act to authorize George Ulmer to build a toll bridge at Lincolnville, in the county of Hancock.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the persons exempted in the said act from paying toll when passing on the common and ordinary business of their family concerns, shall be understood to include and extend only to persons who follow some mechanical business, or day labourers in mills, who have their usual home or employment in the village contiguous to the said bridge.

[This act passed *February* 27, 1811.]

CHAP. C.

An Act to incorporate Moses Hall and others into a religious society, by the name of The First Universalist Society in Charlestown.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Moses Hall, John Kettell, Samuel Townsend, Timothy Thompson, jun. Isaac Smith, Samuel Thompson, Andrew Roulstone, Isaac Mead, David Smith, Isaac Sweetser, Thomas Harris, Barnabas Edmands, Ebenezer F. Freeman, Daniel Manning, Granvil Smith, Thomas Edmands, John Tapley, Otis Clap, Josiah Harris, Benjamin Adams, Edward Adams, Thomas J. Goodwin, James Kimball, Henry Vanvoochies, Hendrick W. Gordon, Jesse Brown, and Benjamin Gleason, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated and made a body politick and religious society, by the name of The First Universalist Society in Charlestown, and by that name may sue and be sued, and shall be invested with all the

Persons in-
corporated.

powers and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only; and the said society shall be capable in law, to purchase and hold estate, real and personal, *provided* the annual income thereof shall not exceed at any one time the value of three thousand dollars. Proviso.

SEC. 2. *Be it further enacted*, That the said society be, and they are hereby authorized and empowered to raise by assessment on the pews which may be made and built in any house, that may be hereafter erected by them, all such sum or sums of money, for the settlement and maintenance of a minister or ministers, repairing said house, and other expenses of publick worship, with such incidental charges as they shall agree on, at any legal meeting called for that purpose, and the same may assess, or cause to be assessed upon such pews or seats, as the proprietors or members as aforesaid, at any such meeting shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' books; and the sums so assessed shall be paid by the proprietors of such pews or seats, and if any proprietor shall neglect to pay such assessment which shall have been legally made, for the space of one year, the Treasurer of said society shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor in said corporation, at publick auction, first giving notice thereof thirty days at least previous to the sale, by posting up notifications at the door of said house, and upon such sale to execute good and sufficient deed or deeds thereof, and after deducting said delinquent's assessment, with incidental charges, the Treasurer shall pay the overplus, if any there be, to such delinquent proprietor. Provision for defraying expenses.

SEC. 3. *Be it further enacted*, That said society may have power to order and establish such regulations, rules and by-laws for their government, and for the management of their concerns, as they may see fit; *provided* the same are not repugnant to the laws of this Commonwealth.

SEC. 4. *Be it further enacted*, That John Kettell, Esq. or any other Justice of the Peace for the county of Middlesex, be, and hereby is authorized to issue his warrant to any member of said society, to notify and warn all the members thereof to meet, and assemble at such time and place as he shall therein appoint, and when so met and Justice to issue warrant.

assembled to organize the society, by choosing a Clerk, and all such other officers as other similar societies may elect, and the annual meeting of said society shall always be held in the month of March.

[This act passed *February* 27, 1811.]

CHAP. CI.

An Act to incorporate The Congregational Society in the town of Buxton, in the County of York.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Ebenezer Wentworth, Charles Coffin, Thomas Bradbury, Jacob Bradbury, Zenas Payne, James Emery, jun. Humphry Merrill, John Eaton, Ebenezer Wentworth, jun. Michel Hanson, Timothy Elyer, Royal Brewster, David Coffin, George Robinson, Ebenezer Davis, Pelatiah Harmon, jun. Joseph Donnell, Josiah Davis, Daniel Leavet, John Hopkinson, Isaac Libby, jun. Timothy Barker, Samuel Watts, Joseph Bradbury, jun. Isaac Lord, Joseph Spencer, Daniel Hanson, jun. James Pennell, Pelatiah Harmon, Asa Brown, John Meserve, James Merrill, James Bickford, Joseph Hill, Phineas Hanson, Joseph Bradbury, Barnabas Sawyer, Joseph and Robert Wentworth, together with all other persons in said town, who do not belong to any other religious society, be, and hereby are incorporated, by the name of The First Congregational Society in Buxton, with all powers and privileges which are exercised and enjoyed by parishes, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any person in the said town of Buxton, being desirous of becoming a member of the said First Congregational Society, and declaring such intention, in writing, delivered to the clerk of the town, or the clerk of the said parish, fifteen days before the annual meeting, and receive a certificate of membership, signed by the minister or clerk of the said parish, that he or she has actually become a member of and united in religious worship with the said First Congrega-

Persons in-
corporated.

Method of
joining the
society.

tional Society in Buxton, such person from the date of such certificate, with his or her polls and estate, shall be considered as a member of said parish.

SEC. 3. *Be it further enacted*, That either of the Justices of the Peace for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to some member of the said First Congregational Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as religious societies are by law empowered to choose at their annual or society meetings. Justice to issue warrant.

[This act passed *February 27, 1811.*]

CHAP. CII.

An Act to authorize the town of Groton to sell certain real estate devised to said town.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the inhabitants of the town of Groton be, and they are hereby authorized and fully empowered to sell, and execute a deed or deeds, by a committee of three persons, or any two of them, to convey the whole or any part of the real estate devised to the said inhabitants in and by the last will and testament of Josiah Sawtell, Esquire, late of said Groton, deceased, for the support of a gospel minister in said town, as expressed in said will, and such deed or deeds executed in due form of law, shall be valid and effectual to convey such real estate, and the proceeds of any such sales shall be paid over by such committee, or any two of them, to the Trustees of Groton Ministerial Fund, and be denominated "The Sawtell Donation for the support of a gospel minister in the first parish in Groton," and shall be preserved, managed and appropriated by said Trustees, as by law they are required to preserve, manage, and appropriate any other funds in their hands, or under their care.

[This act passed *February 27, 1811.*]

CHAP. CIII.

An Act to annex a part of the town of Tyringham to the town of New Marlboro', in the County of Berkshire.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the tract of land described within the following bounds, be, and the same is hereby set off from the town of Tyringham, and annexed to the town of New Marlboro', in the county of Berkshire, viz.—Beginning on the line between New Marlboro' and Tyringham, on the west side of Six Mile Pond, thence west on the said line two hundred and fifty-eight rods, to the south-west corner of said Tyringham; thence north, on the line between Great Barrington and said Tyringham, one hundred and eighty-four rods, to the north-west corner of land of John Gibson; thence east thirty-seven degrees south, to the west bank of said Six Mile Pond; thence on the west side of said pond to the first mentioned corner, containing about one hundred and fifty acres; and the said tract is annexed to, and made a part of the said town of New Marlboro', as fully and completely as if it had been originally incorporated therewith.

[This act passed February 27, 1811.]

CHAP. CIV.

An Act to establish the town of Putnam.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several tracts of land, as described within the following boundaries, be, and they are hereby incorporated into a town, by the name of Putnam: Beginning at a hemlock tree, standing on the west side of Madomack Stream, marked G; thence running north thirty-four degrees west, on the south line of land belonging to the company called the Twenty Associates, fifteen

hundred and forty-two rods, to a beech tree, marked G 1809, on the line of Palermo ; thence south twenty-nine degrees west, five hundred and eighty-six rods on the east line of Palermo, to a large yellow birch tree, marked Lisbon ; thence west twenty-two degrees and one half north, four hundred and fifty-four rods on the south line of Palermo ; thence south fifty-six degrees west, three hundred rods, to a small white birch tree ; thence south six hundred and eighty rods, to a large hemlock tree, marked on four sides ; thence south thirty degrees west, four hundred and sixty rods, to a spruce tree, marked I A ; thence south six hundred and twenty rods to a spruce, marked L C ; thence south fifty-six degrees east, eight hundred and eighty rods, to a hemlock, marked Ballstown Corner, 1805, being on Jefferson north line ; thence south seven degrees west, three hundred and sixty rods, to a stake marked B B ; thence east four hundred and fifty-two rods to Medomack River ; thence up said river, by its course, to the first mentioned bounds ; containing by calculation about twenty-three thousand acres : and the said town of Putnam is hereby vested with all the powers and privileges, and subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That either of the Justices of the Peace for the county of Lincoln, be, and he is hereby authorized to issue a warrant, directed to a freeholder, an inhabitant of the said town of Putnam, requiring him to notify and warn the freeholders thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose and appoint at their annual town meetings.

Justice to issue Warrant.

[This act passed February 27, 1811.]

CHAP. CV.

An Act to incorporate Ezra Weston and others into a company, by the name of The Duxbury Marine Insurance Company.

Persons in-
corporated.

Name.

Powers.

SEC. 1. *BE it enacted by the Seⁿate and House of Representatives in General Court as^sembled, and by the authority of the same,* That Ezra Weston, together with such others as have associated, or may hereafter associate with them, the petitioners for this act, and such others as they shall admit as their associates, being citizens of the United States, be, and they are hereby incorporated into a company or body politic, by the name of The Duxbury Marine Insurance Company, for and during the term of twenty years from the date of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company, subject to the restrictions herein after mentioned.

SEC. 2. *Be it further enacted,* That a share in the capital stock of the said company shall be one hundred dollars, and the number of shares shall be one thousand; and if the said number of shares are not already filled, subscriptions may be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled, and the whole capital stock, estate or property which the said company shall be authorized to hold shall never exceed one hundred thousand dollars, exclusive of premium notes, or profits arising from said business, of which capital stock or property, fifteen thousand dollars only shall be vested in real estate.

Directors.

President.

SEC. 3. *Be it further enacted,* That the stock, property and affairs of the said company shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer, which Directors, at the time of their election, shall be Stockholders, and citizens of this Commonwealth, and shall be elected on

the first Tuesday in June in each and every year, at such time of the day and at such place in the town of Duxbury, as the majority of the Directors, for the time being, shall appoint, of which election publick notice shall be given, by posting up notice thereof, in two publick places in said town, fourteen days immediately preceding such election ; and such election shall be holden under the inspection of three Stockholders, not being Directors, and shall be made by ballot by a majority of the votes of the Stockholders present, allowing one vote to each share in the capital stock ; *provided*, that no Stockholder shall be allowed Provido. more than ten votes, and the Stockholders not present may vote by proxy, under such regulations as the said company shall prescribe ; and if in case of any unavoidable accident, the said Directors should on the said first Tuesday in June, not be chosen as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

SEC. 4. *Be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office, and in case of death, resignation, or inability to serve, of the President or any of the Directors, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President. Election of President.

SEC. 5. *Be it further enacted*, That the President and three of the Directors (or four of the Directors in the absence of the President) shall be a board competent to transact business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution or laws of this Commonwealth, as to them shall appear needful and proper, concerning the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a Secretary and so many clerks and servants for carrying on the By-laws, Rules, &c.

said business, and with such salaries and allowance to them and to the President, as to the said board shall seem meet.

MEETINGS OF THE DIRECTORS
SEC. 6. *Be it further enacted,* That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper ; and the President and a committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for dispatch of business, and the said Board of Directors, and the committee aforesaid, at and during the pleasure of the said Board, shall have power and authority on behalf of the company, to make insurance upon vessels, freights, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment ; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of the said company ; and the assured may thereupon maintain an action of the case against the company, and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the company.

PROVISION IN CASE OF ABSENCE OR DEATH.

DUTIES OF THE DIRECTORS.
SEC. 7. *Be it further enacted,* That it shall be the duty of the Directors on the first Tuesday of January and July in every year, to make dividends of so much of the interest arising from the capital stock and the profits of the said company, as to them shall appear advisable ; but the monies received, and the notes taken for premiums or risks which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the company ; and in case of any loss or losses whereby the capital stock of the company shall be lessened, each proprietor's or stockholder's estate shall be held accountable for the instalment that may be due on his share or shares at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other mode and at such time or times as the Directors shall order, and no subsequent dividend shall be made,

until a sum equal to such diminution shall have been added to the capital, and that once in every two years, and oftener if required by a majority of the votes of the stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SEC. 8. *Be it further enacted*, That the said company shall not directly or indirectly deal or trade in buying or selling any goods, wares or merchandise, or commodities whatsoever ; and the capital of said company, after being collected at each instalment, shall within ninety days be invested either in the funded debt of the United States or of this Commonwealth, or in the stock of any incorporated bank in this Commonwealth, at the discretion of the President, and Directors of the said Company, or of other officers which the proprietors shall for such purpose appoint. Funds of the company.

SEC. 9. *Be it further enacted*, That fifty dollars on each share in said company shall be paid within sixty days after the first meeting of the said company, and the remaining sum due on each share within one year afterwards, at such equal instalments and under such penalties as the said company shall direct, and no transfer of any share in said company shall be permitted or be valid, until all the instalments on such shares have been paid. Monies due.

SEC. 10. *Be it further enacted*, That in case of any loss or losses taking place equal to the amount of the capital stock of said company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed ; and no person being a Director of any company carrying on the business of Marine Insurance, shall be at the same time a Director of the company hereby established. Officers' estates accountable for default.

SEC. 11. *Be it further enacted*, That the President and Directors of the said company shall, previously to their subscribing to any policy, and once in every year after, publish in one newspaper, printed in Boston, the amount of their stock, against what risk they mean to insure, and the largest sum they will take on any one risk. *Provided* Provide.

nevertheless, that the said President and Directors shall not be allowed to take more on any one risk than ten per centum of the amount of the capital stock of said corporation actually paid in ; and the President and Directors of the said company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same under oath.

Stockholders authorized to call meeting.

SEC. 12. *Be it further enacted*, That any three of the Stockholders are hereby authorized to call a meeting of the members of said company, as soon as may be, in Duxbury, by advertising the same for three weeks successively in some one newspaper printed in Boston.

[This act passed *February 27, 1811.*]

CHAP. CVI.

An Act to authorize the town of Brewster to sell the Ministry Lands, and to appropriate the proceeds thereof towards the ministerial funds, and to appoint Trustees for the management thereof.

Trustees appointed and incorporated.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Selectmen of the town of Brewster, for the time being, the Treasurer and the Clerk of the parish, and the Deacons of the Church for the time being, in the said town of Brewster, be, and they are hereby appointed and incorporated as Trustees, by the name of The Trustees of the Brewster Ministry Fund, and by that name they and their successors in office shall be and continue a body politick and corporate forever, and they shall have a common seal, subject to alteration, and they may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid, and shall have all other powers which are incident to and necessarily belonging to the like corporations ; and the said Trustees and their successors may annually elect one of their number as President, and a Clerk to record the doings of the said Trustees, and a Treasurer to receive and pay the

Officers to be elected.

monies belonging to the said fund, according to the provisions of this act, who shall give bond to the said Trustees for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office.

SEC. 2. *Be it further enacted*, That the said Trustees be, and they are hereby authorized and empowered to sell and convey the several lots of land belonging to the town of Brewster, which have been and are appropriated to the support of the ministry in the said town, and the monies arising from the sale of the said lands shall be put on interest, and shall form a fund for the support of the ministry in the said town, which shall be under the care and management of the said Trustees, in the manner provided for and directed in this act; and all gifts, grants, donations, bequests or legacies which have been or may be hereafter made, to and for the same use and purpose, shall be added to the said accumulating fund, and shall be under the same care and improvement of the Trustees aforesaid, and when the said Trustees shall loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate to the full value of the estate or land mortgaged, or money loaned, or by two or more sufficient sureties, with the principal, unless the said Trustees shall think it best to invest the said proceeds in publick funded securities or bank stock, which they shall have authority to do; and the interest, and that only, shall ever be appropriated for the uses aforesaid, and it shall never be in the power of the said Trustees to alter or alienate the appropriation of the fund aforesaid, and the said Trustees are hereby authorized to make and execute a good and sufficient deed or deeds of the said several lots of land, which shall be subscribed by the Treasurer, and when duly executed, acknowledged and delivered by the direction of the said Trustees, shall be valid and effectual in law to pass and convey the fee simple title from the town to the purchaser.

Authorized
to sell lands.

Monies to be
secured.

SEC. 3. *Be it further enacted*, That the said Trustees, Treasurer, Clerk, or other officers or persons, or persons employed by them, shall be entitled to receive no compensation for the services they may perform out of any

Compensation allowed.

monies belonging to the said fund, but a reasonable compensation shall be paid them by the town, and the said Trustees, and each of them shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the fund ; and the debt or damage recovered in such suit shall be to the use and disposal of the town ; and the said Trustees and Treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the fund at the annual meeting in March or April.

Justice to issue Warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation by the appointment of its officers.

[This act passed *February 27, 1811.*]

CHAP. CVII.

An Act in further addition to an act entitled “ An act for incorporating certain persons for the purpose of building a Bridge over Merrimack River, between the towns of Haverhill and Newbury, in the county of Essex, and for supporting the same.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Proprietors of Merrimack Bridge be, and they are hereby authorized, from and after the first day of April next, to move the Lamp that is now placed on the end of the aforesaid bridge (next to Haverhill shore) to the centre of the first arch on the upper side of the said arch next to the aforesaid shore.

[This act passed *February 27, 1811.*]

CHAP. CVIII.

An Act to incorporate The Second Religious Society in Wiscasset.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Roger Smith, William Clark, Benjamin Allbee, William Thompson, Joseph Rawlings, James Kennedy, Michael Sevey, Samuel Clark, Joseph Currin, Samuel Hubbard, Calvin Pratt, Ebenezer Allbee, Joseph C. Fulker, Joshua Danforth, Rufus Kelton, Joseph Stephens, junior, Nathaniel Stevens, Joshua Boynton, William Allbee, John Getchell, Enoch Chase, Thomas M. Cargill, John S. Foye, John Warren, Jonathan Hemtoon, Ebenezer Brown, Robert L. Wheelwright, Nathaniel Austin, Daniel Quinnam, Andrew Haraden, Benjamin Jackson, Chandler Dammon, Nathan Smith, Thomas Tumdy, Joseph Foster, John B. Mange, James Gordon, John Taylor, Walter Madigan, Silas Smith, James Lyht, William Vincent, Stephen Coffin, Oliver Whitcomb, Caleb Smith, Joseph Stephens, George Snell, John Decker, Nathaniel Hawtt, James M. Kelsa, William Perkins, Samuel Munsey, William Elmes, John Hamlin, Benjamin Hayden, Thomas Hankerson, and Jeremiah Dalton, members of said religious society, with their polls and estates, be, and they are hereby incorporated, by the name of The Second Religious Society in Wiscasset, with all the privileges and immunities which parishes or religious societies in this Commonwealth are by law entitled to : *Persons in-
corporated.* *Provided however,* that all such persons shall be holden to pay their proportion of all monies assessed in said town of Wiscasset, for parochial purposes, previous to the passing of this act.

SEC. 2. *Be it further enacted,* That any person in said town of Wiscasset, who may at any time actually become a member of and unite in religious worship with the said second religious society, and give in his name to the clerk of said town of Wiscasset, with a certificate, signed by the minister or clerk of said second religious society, that he hath actually become a member of and *Method of
joining the
society.*

Proviso.

united in religious worship with said second religious society, fourteen days previous to the town or parish meetings, to be holden in the months of March or April, shall, from and after giving such certificate, be considered, with his polls and estates, as belonging to said second religious society. *Provided however*, that all such persons shall be holden to pay their proportion of monies assessed in the town or parish to which they belonged previous to that time.

Justice to issue Warrant.

SEC. 3. *Be it further enacted*, That any Justice of the Peace in the county of Lincoln, be, and he is hereby authorized to issue his warrant, directed to some suitable member of said society, requesting him to warn the members of said society, qualified to vote in parish affairs, to assemble at some suitable place in said town of Wiscasset, to choose such parish officers as are by law required to be chosen in the months of March or April annually, and to transact all other matters and things necessary to be done in said society.

[This act passed *February 27, 1811.*]

CHAP. CIX.

An Act supplementary to an act, entitled "An act to prevent damage by mischievous dogs."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of April next, every person in this Commonwealth, who is or may be the owner of any dog or dogs, above the age of four months, and the parent, guardian, master, or mistress of any minor or servant, who shall own or keep any such dog, who shall neglect to cause such dog constantly to wear a collar, agreeably to the provisions of the first section of the act to which this is in addition, shall forfeit and pay the sum of *Ten Dollars*, with costs of prosecution, to be sued for and recovered in an action on the case, before any Justice of the Peace, qualified to act in said office, to the use of him who shall sue for the same.

[This act passed *February 28, 1811.*]

CHAP. CX.

An Act to set off Elias Smith from the town of Hadley, and annex him to the town of Amherst, in the county of Hampshire.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Elias Smith, his family and his buildings of every description, together with so much of the farm whereon he now lives, as lies on the east side of a line parallel with the present boundary line between the towns of Hadley and Amherst, and ten rods west of the westernmost part of his dwelling-house, be, and they hereby are set off from the said town of Hadley, in the county of Hampshire, and annexed to the said town of Amherst, in the county aforesaid; and the said Elias and his family, shall hereafter be considered inhabitants of the town of Amherst, and shall there exercise and enjoy all their rights and privileges, and shall be subject to all duties and requisitions, in the like manner with the other inhabitants of said town of Amherst. *Provided however,* that the said Elias shall be holden to pay all taxes which have been legally assessed upon him by the town of Hadley, prior to the passing of this act.

[This act passed *February 28, 1811.*]

CHAP. CXI.

An Act supplementary to an act, entitled “An Act for regulating, governing and training the Militia of this Commonwealth.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all fishermen actually employed in vessels owned by citizens of the United States, either registered or licenced to carry on the fishing business, shall be, and they are hereby deemed to be mariners, and as such are exempted from militia duty while they are actually employed as aforesaid.

[This act passed *February 28, 1811.*]

CHAP. CXII.

An Act to preserve and regulate the taking or catching of fish called Smelts, in the Island River, so called, in the south part of the town of Malden, in the county of Middlesex.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to set and draw any seine, net, or drag nets in the Island River (so called) between Beacham's Point and a dam in said river, near the island so called, in said town of Malden, from the first day of October to the first day of May annually; and any person so offending herein, shall for each offence forfeit and pay a sum not more than twenty dollars, nor less than ten dollars, to be recovered by action of debt before any court proper to try the same, one half to the use of the town, and the other half to the use of him or them who may sue therefor.

[This act passed *February 28, 1811.*]

CHAP. CXIII.

An Act to repeal an act, entitled An act to regulate the fishery in the towns of Ipswich, Hamilton and Wenham.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act passed the first day of March, eighteen hundred and nine, entitled an act to regulate the fishery in the towns of Ipswich, Hamilton and Wenham, be, and the same is hereby repealed.

[This act passed *February 28, 1811.*]

CHAP. CXIV.

An Act for the relief of poor Debtors.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no person shall, from and after the first day of June next, be committed to gaol, or be liable to be imprisoned on any execution issued on any judgment founded on contract, made or entered into after the passing this act, unless the debt or damage in such execution shall exceed the sum of five dollars; and it shall hereafter be the duty of the Clerk of the Court, or Justice of the Peace who may issue execution upon any judgment founded upon contract, the amount of which judgment, exclusive of costs, does not exceed the sum of five dollars, so to vary the form of such execution, as that the same shall not run against the body of such debtor.

[This act passed *February* 28, 1811.]

CHAP. CXV.

An Act to set off Joshua Chase, of the town of Sutton, in the county of Worcester, from the South Parish, and annex him and his estate to the North Parish, in said town.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joshua Chase, of Sutton, in the county of Worcester, with his poll and estate, lying and being in the said south parish of Sutton, be, and hereby is set off from the said south parish, and annexed to the north parish in said town.

[This act passed *February* 28, 1811.]

CHAP. CXVI.

An Act in addition to an act, entitled “An act for providing and regulating of Prisons.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in any action (now lawfully pending) or which may hereafter be lawfully pending, in any of the courts of law, in this State, on any bond given to entitle a debtor to the liberty of gaol yard, if it shall appear to the court, either upon a hearing in equity or by the finding of a jury, that such debtor escaped not wilfully, but through accident, or through misapprehension of the limits of the day time, or of the limits of the gaol yard, then the court may enter judgment for the plaintiff, for the money due on the execution on which such debtor was committed, with interest thereon, and the charges of levying the same execution, together with the costs of said action, any law to the contrary notwithstanding. And when the jury shall find that such debtor did escape, they may also inquire and find whether such escape was not through accident or misapprehension, as aforesaid.

[This act passed *February* 28, 1811.]

CHAP. CXVII.

An Act in addition to an act, entitled An act to prevent the destruction of alewives and other fish in Ipswich river, and to encourage the increase of the same.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That it shall be lawful for the inhabitants of the towns of Ipswich, Hamilton, Topsfield, Reading, Danvers and Middleton, to take fish with seines, or drag nets in Ipswich river one day in each week, which day shall be Wednesday, at such place in each town as the fish committees in said towns shall respectively direct, and

under such regulations and restrictions as the towns aforesaid shall adopt, any thing in the act entitled "An act to prevent the destruction of alewives, and other fish in Ipswich river, and to encourage the increase of the same," to the contrary notwithstanding.

[This act passed *February* 28, 1811.]

CHAP. CXVIII.

An Act to establish a Methodist Society in the towns of Falmouth and Sandwich.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Barney Merchant, Barney Hammond, Nathaniel Hammond, Sylvanus Hammond, William Shearman, Seth Robinson, Barnabas Chadwick, jun. Nathaniel Nye, Ruth Hatch, Benoni Nickerson, Benjamin Smith, Robert Hammond, Luke W. Phelps, Peter Yost, Hugh G. Donaldson, Major Hatch, Barnabas Price, Jonathan Green, Rufus Butler, John Gorham, Joseph Palmer, David Hatch, jun. Ephraim Parker, William Nye, Elijah Nickerson, Ebenezer Wicks, Joshua Jenkins, Solomon Green, John Tobey, Benoni Studley, Timothy Bourn, Isaiah Fish, Malachi Davis, Ebenezer Studley, Hiram Chase, Obadiah Baker, James Bourne, Lothrop Lewis, Israel Bourne, Samuel Nye, Jonathan Parker, and John Edwards, all of Falmouth; David Dimmick, Moses Nye, Samuel Swift, Ward Swift, Jeremy Alney, Moses Swift, William Handy, Archelaus Tobey, Thomas Wing, John Witherill, David Wing, Isaiah Godfrey, Silas Perry, Covel Burgess, Crowell Burgess, Perez Burgess, John Perry, Arther Perry, John Finney, Jabez Finney, Edward Finney, John Finney, jun. Samuel Nye, Stephen Swift, Benjamin Bourne, Samuel Drody, Nathaniel Nye, John Dillingham, Levi Nye, David Bates, Elijah Bates, and Zacheus Hatch, all of Sandwich, together with their families and estates, and such others within the said towns of Falmouth and Sandwich, as may hereafter associate and join with them, be, and they are hereby incorporated into a religious society, by the name of The Methodist Society in Falmouth and

Persons incorporated.

Sandwich, with all the powers, privileges and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Method of
joining the
society.

SEC. 2. *Be it further enacted*, That any person, in either of the aforesaid towns of Falmouth and Sandwich, who may at any time hereafter be desirous to unite with and shall become a member of said Methodist Society, shall declare such intention, in writing, by giving in his or her name to the minister or clerk of said Methodist Society, and shall receive a certificate of membership, signed by the minister, class-leader, or clerk of the said society, that he or she has united in religious worship with, and become a member of said Methodist Society, and shall also leave an attested copy of such certificate with the clerk of the parish or society to which he or she belonged, fourteen days previous to the annual parish meeting in March or April, shall, from and after giving in such certificate, with his or her polls and estates, be considered as a member of the said society. *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed and not paid to the society from which such person has seceded.

Method of
leaving the
society.

SEC. 3. *Be it further enacted*, That when any member of the said Methodist Society shall see cause to leave the same, and to unite with any other religious society in the town or parish in which he or she may live, and shall declare such intention, in writing, to the minister or clerk of such other society, fourteen days before the annual meeting thereof, and if such person shall receive a certificate of membership, signed by the minister or clerk of such society, that he or she has united in religious worship with and hath become a member of such society, and shall leave an attested copy with the clerk of said Methodist Society, such person shall, from giving in such certificate, with his or her polls and estates, be considered as a member of such society. *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed in the said society, and not paid previous to leaving one society and joining another.

Justice to is-
sue Warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the county of Barnstable, be, and he is hereby authorized to issue his warrant, directed to some suitable member of the said society, requiring him to notify and warn the members thereof, qualified to vote in parish

affairs, to assemble at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings.

SEC. 5. *Be it further enacted*, That the members of the Methodist Society aforesaid, be, and hereby are empowered to receive and hold by deed in fee, such land as may be necessary for a meeting-house lot, burying-ground, and a small settlement for their ministers in each of the towns aforesaid. Empowered to hold estate.

[This act passed *February 28, 1811.*]

CHAP. CXIX.

An Act further regulating Divorces.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever any husband shall utterly desert his wife, or shall grossly or wantonly and cruelly neglect or refuse to provide suitable maintenance for her, being of sufficient ability thereto, in every such case the wife may be divorced, a mensa et thoro, and upon a libel for that purpose, the Supreme Judicial Court shall have as full authority as to alimony, and all other matters and things, as they now have, or may hereafter have in other cases of Divorce, a mensa et thoro.

[This act passed *February 28, 1811.*]

An Act to apportion and assess a tax of one hundred and thirty-three thousand three hundred and two dollars and fifty-two cents, and providing for the reimbursement of thirty-five thousand two hundred and fourteen dollars, paid out of the publick treasury to the members of the House of Representatives for their attendance at the two last sessions of the General Court.

[This act passed *February 26, 1811.*]

CHAP. CXX.

An Act in addition to an act, entitled An act to establish the Middlesex Turnpike Corporation, and to the several acts in addition thereto.

Preamble.

WHEREAS, by an act of the Legislature, passed March 6, 1810, it was provided that a part of the Middlesex Turnpike Road which had been laid out and partly made in the towns of West Cambridge and Lexington, viz. from a point in the old road in said Lexington, below the house of Joseph Harrington, to a point in the old road in said West Cambridge, near John Frost's blacksmith's shop, should be changed and altered, and instead thereof the course of said road should be from said point in Lexington, in the nearest practicable rout to a point in the old road in said West Cambridge, near the foot of the rocks (so called); *provided* the inhabitants of said West Cambridge should lay out and make said last mentioned piece of road for the use and benefit of said Turnpike Corporation. Now the said inhabitants of West Cambridge, having procured said road to be laid out and made, yet the same cannot accrue to the use and benefit of said corporation, because said piece of road was not laid out as a part of said Turnpike road, but as a County road, and is recorded and established as such—Therefore,

Road annexed to Turnpike.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That said piece of road, from a point in the old road in Lexington, below the house of Joseph Harrington, to a point in the old road in West Cambridge, near the foot of the rocks (so called) as the same is now laid out and made, shall and may become a part of the Middlesex turnpike road, extending from Buiscrib Bridge, in Tyngsborough, to Cambridge-Port, all which road is hereby established as fully as it could have been had it been all laid out under the Turnpike Act, according to law. And said corporation are hereby authorized to erect one of their gates on any part of said piece of road, between said point in Lexington and said point in West Cambridge, near the foot of the rocks (so called), any thing in the general Turnpike Law to the contrary notwithstanding.

[This act passed *February 28, 1811.*]

CHAP. CXXI.

An Act to repeal certain parts of an act, entitled “An act in addition to an act, entitled an act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the first, third, fourth and fifth sections of an act passed the sixth day of March, in the year of our Lord eighteen hundred and ten, entitled “An act in addition to an act, entitled An act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth,” from and after the passing of this act, be, and the same is hereby repealed.

[This act passed *February 28, 1811.*

CHAP. CXXII.

An Act establishing The Sutton and Charlton Cotton, Woollen and Linen Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Estes Howe, Aaron Tufts, and John Spurr, together with such others as may hereafter Persons in-
corporated. associate with them and their successors, be, and they are hereby made a corporation, by the name of The Sutton and Charlton Cotton, Woollen and Linen Association; for the purpose of manufacturing cotton, woollen and flax in the county of Worcester, and for that purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities prescribed and contained in an act, entitled “An act defining the general powers and duties of manufacturing corporations,” passed the third day of March, one thousand eight hundred and nine.

SEC. 2. *Be it further enacted,* That the said corporation in their corporate capacity shall and may lawfully

hold and possess real estate, not exceeding forty thousand dollars, and personal estate not exceeding one hundred and twenty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, woollen and linen in the said county of Worcester.

[This act passed *February 28, 1811.*]

CHAP. CXXIII.

An Act in addition to an act, entitled An act to incorporate Dummer Sewall and others, proprietors of the new meeting-house, in the town of Bath, into a religious society, by the name of The Congregational Society in the town of Bath.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said Congregational Society may, after the passing of this act, take the name and style of The North Congregational Society, in the town of Bath, and by that name shall in future be called and known.

Society's
name.

Power to
assess taxes.

SEC. 2. *Be it further enacted,* That the said Congregational Society be, and they are hereby empowered to assess one half of any sum they may legally vote to be raised in the same, upon the polls and estates of the members of said society, and to assess and raise the other half upon the pews and seats, according to the provisions of their act of incorporation; the half assessed on the polls and estates, to be assessed according as town taxes are assessed; and the assessors of said society are hereby authorized to issue their warrant to the collector of taxes for said society, in the same manner and form as selectmen issue theirs, for the collection of town taxes, and the collector shall have like powers and be liable to like restrictions and duties as collectors of town taxes are.

[This act passed *February 28, 1811.*]

CHAP. CXXIV.

An Act to prevent Livery Stables being erected in certain places in the town of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, no building shall be erected within the town of Boston, and used and improved as a stable, for the taking in and keeping horses or chaises, or other carriages, upon hire, or to let, commonly called Livery Stables, within one hundred and seventy feet of any church or meeting-house, erected for the publick worship of God. *Provided how-* Livery Sta-
bles.
Proviso.
ever, that this act shall not be so construed as to prevent the finishing of any stable which has been in part erected, if the completion thereof shall be approved by the Selectmen of the town of Boston.

SEC. 2. *Be it further enacted,* That for any offence against the provision of this act, the owner or owners, keeper or keepers of such building shall forfeit and pay Forfeiture. the sum of one hundred dollars for every calendar month during which the same shall be so used and improved, to be recovered by action of debt, one half thereof to enure to the use of the poor of the town of Boston, and the other half thereof to him or them who shall sue for the same.

[This act passed *February* 28, 1811.]

CHAP. CXXV.

An Act to change the name of the town of New Milford, in the county of Lincoln.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the name of the said town of New Milford, in the county of Lincoln, shall cease, and the said town shall be hereafter known and called Alna, any law to the contrary notwithstanding.

[This act passed *February* 28, 1811.]

CHAP. CXXVI.

An Act regulating the taking of fish called Alewives, in Mill-River and Mill-Brook, in the town of Duxbury.

Preamble.

WHEREAS, Abner Harlow, of said Duxbury, is the owner of a mill-pond, lying on the source of said Mill-Brook, and said pond being very convenient for the fish called alewives, to cast their spawn in—

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the fish called alewives, may be taken by the said Abner Harlow, or by whoever shall hereafter be the legal owner or owners of said mill-pond, in any part of said mill-brook, and at any time when it shall be most for his or their interest to take said fish, under such regulations and restrictions as is hereafter provided.

Inhabitants
authorized
to choose
overseers.

SEC. 2. *Be it further enacted,* That the inhabitants of said town of Duxbury, at their meeting for the choice of town officers, in March or April annually, be, and they hereby are authorized and directed to appoint one person to oversee the taking of said fish, as aforesaid; and the fish so taken by the said Abner Harlow, or his successors as aforesaid, shall, under the direction of said person so chosen, be distributed as equally as circumstances will admit, to such of the inhabitants of said town as may apply for the same; and for fish so supplied and delivered, the said Abner Harlow, or his successors as aforesaid, shall demand and receive of the person or persons applying therefor, payment, at such rate or rates as the inhabitants of said town at their annual meeting in March or April, may direct; the said Abner Harlow, and his successors as aforesaid, to pay all the expense that may be incurred in the preservation, taking and disposing of said fish.

Forfeiture.

SEC. 3. *Be it further enacted,* That if any person or persons shall obstruct in any manner whatever the passage-way of said fish in any part of said river or brook, above Abraham's Island (so called) such person or persons so offending, shall forfeit and pay a sum not exceeding sixty dollars, nor less than thirty dollars.

SEC. 4. *Be it further enacted,* That if any person or persons, other than the owner or the owners of the aforesaid

mill-pond, or such person or persons as shall be by them employed, shall take any of the said fish in the said river or brook, or in any part of either as aforesaid, at any time, or by any means whatsoever, each person so offending, shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, for every such offence. Forfeiture.

SEC. 5. *Be it further enacted*, That all penalties incurred by the breach of this act may be sued for and recovered, by the said Abner Harlow, or his successors, as aforesaid, in any court in the county of Plymouth, proper to try the same; and all sums so recovered, shall be appropriated, one moiety to the complainant, and the other moiety to the said Abner Harlow, or his successors as aforesaid; and in case any minor shall offend against any part of this act, and thereby incur any or either of the penalties aforesaid, in all such cases the parent, master or guardian of such minor or minors, shall be accountable therefor; and in case of prosecution of such minor or minors, for any offence, the action shall be commenced against the parent, master or guardian of such minor or minors, respectively, and judgment be rendered against any parent, master or guardian, in such case, in the same manner as for his or their personal offence. Penalties incurred subject to suit.

[This act passed *February 28, 1811.*]

CHAP. CXXVII.

An Act for the relief of persons who are scrupulous about taking oaths.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever any persons shall be required to take or subscribe any oath, before he enters on the discharge of any office, place, or business, or on any other lawful occasion, and such person shall be of the denomination of the people called Quakers, he or she shall be permitted to make affirmation, instead of the oath which is or may be by law prescribed, changing such parts of any such oath as ought to be changed, conformably to the constitution of this Commonwealth. Affirmation instead of oath.

A a a

SEC. 2. *Be it further enacted*, That if any person shall wilfully, falsely, and corruptly, make or subscribe any such affirmation as aforesaid, he or she shall be liable to the same pains and penalties as are or may be by law provided against persons who wilfully, falsely and corruptly take or subscribe the oath for which such affirmation is substituted.

[This act passed February 28, 1811.]

CHAP. CXXVIII.

An Act in addition to an act, entitled “An act to regulate the manufacture and inspection of Stone Lime and Lime Casks, passed the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and ten.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the inspector, or his deputy, appointed by virtue of the act aforesaid, shall be paid by the manufacturer, or owner of said Lime, four cents for each cask of Lime inspected and branded, according to the provisions of the same act; and the said inspector shall be entitled to receive from any deputy he may appoint, one cent, for every cask said deputy inspector shall inspect, and brand, according to the act aforesaid, to which this is in addition.

Inspection
of lime.

SEC. 2. *Be it further enacted*, That the fourth section of the act to which this is in addition, be, and hereby is repealed.

[This act passed February 28, 1811.]

CHAP. CXXIX.

An Act establishing The First Methodist Society in Falmouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Joseph W. Collins, Joseph Sturdevant, Joseph Drinkwater, Jeremiah Cushing, Reu-

ben Kezer, Solomon Sawyer, Joseph Blanchard, Ambrose Hamilton, John Curit, Ebenezer Hill, James Hamilton, Lemuel Hamilton, Jonathan Hamilton, Nathaniel Hatch, Hezekiah Winslow, Daniel Ilsley, Daniel Babb, Benjamin Quimby, jun. Daniel Small, Joseph Small, Job Winslow, jun. Nathan Cloutman, Dean Frye, Moses Quimby, Benjamin Field, Nathaniel Wilson, jun. Samuel Proctor, Nathaniel Partridge, Nathan Barnett, Charles Pike, Timothy Pike, Solomon Sawyer, Jotham Whitney, Stephen Bennett, Jonathan Webber, Simeon Webber, George Marston, John Marston, 3d, Andrew Leighton, William Leighton, Ozni Harris, Amos Burnham, Samuel Frink, Obadiah Field, John Bracket, jun. Samuel Mountford, Obadiah Berry, Joshua Berry, Joseph Storer, Lemuel Hamilton, with their families and estates, together with such others as have or may hereafter have associated with them or their successors, be, and they are hereby incorporated as a separate religious society, by the name of The First Methodist Society in Falmouth and North Yarmouth, with all the powers and privileges to which parishes or religious societies are entitled, according to the constitution and laws of this Commonwealth. *Provided however,* that all such persons shall be holden to pay their proportion of all monies legally assessed for parochial purposes in the parish to which he or she formerly belonged.

Persons incorporated.

Proviso.

SEC. 2. *Be it further enacted,* That any person belonging to any other religious society, in either of the towns aforesaid, who may desire to join with the said Methodist Society, in the towns aforesaid, and who shall declare such intention, in writing, delivered to the parish clerk, or the clerk of such other religious society, and produce a certificate, signed by the minister or clerk of said Methodist Society, that he or she has actually become a member of and united in religious worship with the said Methodist Society, on or before the first day of March annually, such person shall, from the date of such certificate, be considered, with his or her polls and estates, a member of said Methodist Society.

Method of joining the society.

SEC. 3. *Be it further enacted,* That when any member of the said Methodist Society shall see cause to leave said society, and unite with any other religious society in the town in which he or she may dwell, or have their home, and shall give such notice of their intention, to the minister

Method of leaving the society.

or clerk of the said Methodist Society, and shall also give in his or her name to the minister or clerk of such other society, fifteen days before the annual parish or society meeting, such person shall, from the date of such certificate, with his or her polls and estate, be considered a member of such other society. *Provided however*, that in every case of seceding from one society to, and joining another, every such person shall be held to pay his or her proportion of all parochial expenses, incurred previous to leaving such society.

Proviso.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Cumberland, upon application therefor, is hereby authorized to issue a warrant, directed to some member of said Methodist Society, requiring him to notify and warn the members of said society, to meet at such time and place as shall be appointed in said warrant, for the choice of such officers as parishes or societies are by law empowered to choose at their annual parish or society meetings.

Justice to issue Warrant

[This act passed *February* 28, 1811.]

CHAP. CXXX.

An Act to incorporate The Proprietors of the New Meeting-House, in the town of Braintree.

WHEREAS, a number of persons associated in the month of March, in the year of our Lord one thousand eight hundred an ten, and did purchase a piece of ground, on which they have since erected and completed a new meeting-house, for publick worship, in the town of Braintree—

Preamble.

SEC. 1. *BE it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Minot Thayer, John White, Alexander White, John Hayward, Samuel Arnold, their associates and successors, be, and they hereby are constituted and made a corporation and body politick, by the name of The Proprietors of the Union Meeting-House Corporation; and shall by that name sue and be sued, defend and be defended, in all actions in which said corpo-

Persons incorporated.

ration may be concerned ; have a common seal, which they may alter at pleasure, and may also ordain and establish such by-laws and regulations, and choose such officers as to them shall seem necessary. *Provided*, such by-laws and regulations shall be in no wise contrary to the laws of this Commonwealth. Proviso.

SEC. 2. *Be it further enacted*, That said corporation shall have full power to assess upon the individuals composing the same, in proportion to the number of shares in said meeting-house, subscribed for by each, such sum or sums of money as shall be sufficient to pay the debts now due from said corporation, and all necessary future charges, and to collect said assessments in such way and manner, and by such officers and agents as said corporation shall determine ; and said corporation shall also have power, by such officers or committee as they shall appoint therefor, to execute deeds of pews in said meeting-house. to purchasers thereof, and to convey said meeting-house, and the land thereto belonging, or any part of the same, to The Union Religious Society, or any member or members of the same, upon such conditions, and under such regulations as shall be agreed upon between said corporation and said society, or said members, reserving to individuals the pews owned and held by them respectively. Power to assess monies.

SEC. 3. *Be it further enacted*, That each proprietor, or agent duly authorized, in writing, shall have a right to vote in all meetings of said corporation, and be entitled to as many votes as he has shares. *Provided*, that no person shall be entitled to more than ten votes. Right to vote
Proviso.

SEC. 4. *Be it further enacted*, That the several meetings heretofore held by the associates hereby incorporated, and all proceedings thereat, conformable to the original articles of their association, necessary to carry the same into effect, be, and hereby are confirmed and made valid in law, and the officers and agents heretofore chosen by said associates, shall continue officers and agents of this corporation, until others shall be chosen in their stead.

SEC. 5. *Be it further enacted*, That any Justice of the Peace in the towns of Weymouth or Braintree, is authorized to fix the time and place of holding the first meeting of the proprietors, by causing a written notification (certifying the purposes for which said meeting is called) to be Justice to fix time of meeting.

posted up on the west door of the meeting-house, ten days at least previous to said meeting.

[This act passed *February 28, 1811.*]

CHAP. CXXXI.

An Act to enforce the satisfaction and payment of executions and warrants of distress, against certain corporations.

Incorporation made liable for debts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any judgment has been, or may hereafter be recovered in any court of law, against any turnpike, bridge, canal, or other company, incorporated by law, with power to receive toll, the franchise of such corporation, with all the privileges and immunities thereof, so far as relates to the right of demanding and receiving toll, as well as all other corporate property, either real or personal, shall be liable to the satisfaction and payment of such judgment, and may be taken and sold on execution, at publick vendue; the officer first giving notice of the time and place of sale, by posting up a notification thereof in any town, district or plantation, in which the clerk, treasurer, or any of the directors of said corporation may dwell, thirty days at least before the time of sale, and also by causing an advertisement, expressing the name of the creditor, the amount of said execution, and the time and place of sale, to be inserted three weeks successively, in some publick newspaper, published in any county, in which either of the aforesaid officers of said corporation may dwell, (if any such newspaper shall be there printed) the last publication to be at least four days before the day of sale.

Regulation of sales.

SEC. 2. *Be it further enacted,* That in the sale of such franchise, any person who will pay and satisfy said execution, and all legal fees and expenses thereon, in consideration of being entitled to receive, to his own use, for the shortest period of time, all such toll as the said corporation may by law be entitled to demand and receive, shall be considered as the highest bidder, and the same shall be

struck off to him accordingly ; and the officer's return on said execution shall transfer to the purchaser all the privileges and immunities which by law belonged and appertained to said corporation, so far as relates to the right of demanding and receiving toll ; and the said officer shall, immediately after such sale, be authorized and empowered to deliver to said purchaser, possession of all the toll-houses and gates belonging to said corporation, in whatever county the same be situated ; and the said purchaser shall thereupon be entitled to demand and receive to his own use, all the toll which may accrue, within the time limited by the term of his purchase, in the same manner, and under the same regulations as the said corporation was before authorized to demand and receive the same. *Provided* however, that the said corporation shall, in all other respects, retain the same powers, be bound to the discharge of the same duties, and liable to the same penalties and forfeitures as before belonged to and were required of them by law ; *and provided also*, that if the said corporation shall, at any time within three months from the time of such sale, pay over or tender to said purchaser such sums of money as he may have paid, in satisfaction of said execution, with twelve per cent. interest thereon, in addition to the toll which he may have received, then the said franchise, and all the rights, privileges and immunities thereof, shall revert to said corporation, and shall in all respects belong and appertain to them, as if the same had not been sold as aforesaid.

In case of purchase.

Proviso.

Redemption of shares.

SEC. 3. *Be it further enacted*, That all the rights, privileges and immunities aforesaid, shall be liable to attachment on mesne process ; and when such attachment shall be made, or other service of a mesne process shall be made on any of the corporations aforesaid, the officer serving the same, shall leave an attested copy of said process, and his return thereon, with the clerk, treasurer, or some one of the directors of said corporation, thirty days at least before the day of the sitting of the court to which the same may be returnable.

Attachment.

SEC. 4. *Be it further enacted*, That whenever any damages have been, or may hereafter be assessed to any person or body politick, either by the report of a committee, or the verdict of a jury, for any injury sustained in his or their property, by the doing of any of the corporations

Assessment for damages

aforesaid, and the said damages shall remain unpaid for the space of thirty days after the final acceptance of such report or verdict, such person, or body politick, upon petition to any court, by which such report or verdict was accepted, shall be entitled to a warrant of distress against said corporation, for the damages so assessed, and the interest thereon, together with his or their reasonable costs; and the officers to whom such warrant of distress may be delivered, may proceed to execute the same, in the same manner as is herein before provided for the levying and satisfaction of executions. *Provided also*, that all such warrants of distress as may have already been granted or issued, against any of said corporations, may be levied and satisfied, in the same manner as herein directed.

Proviso.

SEC. 5. *Be it further enacted*, That the officer who may levy any execution or warrant of distress, by virtue of this act, shall be authorized to adjourn the vendue from time to time, not exceeding ten days at any one time, until the sale shall be completed.

Officers
power.

SEC. 6. *Be it further enacted*, That all proceedings under the authority of this act, may be had in any county in which either the creditor or the president, either of the directors, the treasurer, or clerk of said corporation, may reside or dwell.

Place of
meeting.

[This act passed *February* 28, 1811.]

END OF JANUARY SESSION, 1811.

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L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT AT THEIR FIRST SESSION,

COMMENCED

ON THE LAST WEDNESDAY ^{AT} IN MAY,

ONE THOUSAND EIGHT HUNDRED AND ELEVEN.

CHAP. I.

An Act to incorporate Tristram Barnard and others, by the name of the Dorchester Cotton and Iron Factory.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Tristram Barnard, William Bordman, Joshua Davis, Caleb Loring, Thomas Curtis, and William Mackay, with such others as hereafter may associate with them, their successors or assigns, be, and hereby are made a Corporation, by the name of the Dorchester Cotton and Iron Factory, for the purpose of manufacturing Cotton and Iron in the town of Dorchester, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations." Persons in-
corporated.

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and possessed of such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of Cotton and Iron in the said town of Dorchester. Possession
of property
allowed.

[This act passed June 13, 1811.]

B b b

CHAP. II.

An Act in addition to an act, entitled “ An act in addition to an act, entitled an act to incorporate Isaac Story, and others, by the name of The Marblehead Social Insurance Company.”

Term ex-
tended.

Proviso.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the further term of two years from and after the seventeenth day of June next, be allowed to the stockholders in the Marblehead Social Insurance Company, to pay in the residue, being the last moiety of their instalments, and amounting in all to fifty dollars on a share in the capital stock of the said Company; and that the said residue shall be paid in at such times, and in such proportions within the period aforesaid, as the directors of the said Company shall order or appoint, any thing in the act for incorporating said Company, or in the act to which this act is in addition, to the contrary notwithstanding. *Provided however,* That nothing in this act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner, and for the purposes mentioned in the seventh section of the said act of incorporation.

[This act passed June 13, 1811.]

CHAP. III.

An Act in further addition to an act, entitled “ An act to incorporate Nicholas Thorndike and others, into a Company, by the name of The Beverly Marine Insurance Company.”

Term ex-
tended.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the further term of two years from and after the twenty-third day of August next, be allowed to the stockholders in the Beverly Marine Insurance

Company, to pay in the residue, being the last moiety of their instalments, and amounting in all to fifty dollars on a share in the capital stock of the said company. And that the said residue shall be paid in at such times, and in such proportions, within the period aforesaid, as the directors of the said Company shall order or appoint, any thing in the act for incorporating said Company, or in the act to which his act is in addition to the contrary notwithstanding. *Provided however,* That nothing in this act shall be construed Proviso. to exonerate or discharge the estates of the said stockholders from being liable in the manner, and for the purposes mentioned in the tenth section of the said act of incorporation.

[This act passed June 13, 1811.]

CHAP. IV.

An Act to secure the town of Newburyport from damage by Fire.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, no building of any kind whatsoever, which shall be more than ten feet high from the ground to the highest point in the roof thereof, shall be placed, erected, or built within the town of Newburyport, in the county of Essex, unless all the external sides and ends thereof, shall be built or composed of brick or stone, except so much as may be necessary for doors and windows, and all additions which shall be made to buildings already erected, and all buildings which shall be erected on old foundations in part or in whole, shall be deemed and considered within the restrictions and regulations of this act. *Provided nevertheless,* that upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Selectmen and Firewards of said town, or the major part of them in writing, wooden buildings of not more than two stories high may be erected, and the permission so given, shall within ten days next after the same may be so given, be recorded in the Materials and method of building.

Proviso.

records of said town: *and provided also*, that on permission as aforesaid, wooden buildings may be erected on any part of the ground in said town, lying on the southerly and southwesterly side of High Street so called.

Fine in case
of forfeiture.

SEC. 2. *And be it further enacted by the authority aforesaid*, that all and every person, or persons who shall erect, place, or add to, or cause to be erected, placed, or added to, any building or buildings, in said town of Newburyport, contrary to the true intent and meaning, and against the provisions of this act, shall forfeit and pay a fine of not less than fifty dollars, nor more than one thousand dollars, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court, in the county of Essex, which information it shall be the duty of the Attorney General, and Solicitor General to file in all cases which may come to his knowledge, or by indictment before said Court.

Assessment.

SEC. 3. *And be it further enacted*, That in addition to the fines above mentioned, there shall be laid and assessed upon every house, or other building, which shall be erected, placed or built, contrary to the provisions of this act, the sum of fifty dollars annually, and every year, until the same shall be removed, and it shall be the duty of the assessors of said town to assess upon the owner or owners of such building or buildings, for the time being the said sum of fifty dollars in addition to his, her, or their other taxes, to be collected in the same way and manner other taxes are or shall be collected, and the same remedy is hereby given to the collector or collectors of taxes for the recovery thereof.

Proviso.

Provided nevertheless, That no such annual tax shall be assessed on any building in said town, until it shall have been made to appear in the Supreme Judicial Court, that such building has been erected, placed, or built in said town contrary to the provisions and restrictions of this act.

[This act passed June 14, 1811.]

CHAP. V.

An Act establishing the Holden Cotton and Wool Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Eastabrook, Eleazer Rider, Abner Perry, Asa Greenwood, Joseph Rider, and Nathaniel Rider, together with such other persons as may hereafter associate with them, their successors and assigns, be and hereby are made a corporation, by the name of The Holden Cotton and Wool Manufactory, for the purpose of manufacturing cotton and wool in the town of Holden, in the county of Worcester, and for this purpose shall have all the powers and privileges and be subject to all the duties and requirements contained in an act passed in the year of our Lord, one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said corporation may be lawfully seized of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding thirty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of cotton and wool in Holden aforesaid.

Possession of property allowed.

[This act passed *June 17, 1811.*]

CHAP. VI.

An Act respecting Public Worship and Religious Freedom.

WHEREAS it is provided by the Constitution of this Commonwealth, "that every denomination of Christians demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law; and no subordination of

Preamble.

any one sect or denomination to another, shall ever be established by law." Therefore,

Support of
teachers of
religion.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all monies paid by any citizen of this Commonwealth to the support of public worship, or of public teachers of religion, shall, if such citizen require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he usually attends, as well where such teacher or teachers is or are the teacher or teachers of an unincorporated as of a corporate religious society: and it shall be sufficient to entitle any such teacher or teachers of a corporate or unincorporate religious society, to receive the same monies of the town, district, parish, or religious corporation, which shall assess, collect, or receive the same, that he be ordained and established according to the forms and usages of his own religious sect and denomination, although his parochial charge or duties may extend over other religious societies, according to such forms and usages.

Membership
of society.

SEC. 2. *Be it further enacted,* That whenever any person shall become a member of any religious society, corporate or unincorporate, within this Commonwealth, such membership shall be certified by a committee of such society, chosen for this purpose, and filed with the Clerk of the town where he dwells, such person shall forever afterwards be exempted from taxation for the support of public worship and public teachers of religion in every other religious corporation whatsoever, so long as he shall continue such membership. And the certificate of such committee may be as follows:—"We certify that A. B. of the town of _____, is a member of the religious society in the town of _____, called _____.

Dated this _____ day of _____ A. D. 18 ____.

} Committee.

Grants, &c.

SEC. 3. *Be it further enacted,* That in case any donation, gift, or grant shall hereafter be made to any unincorporate religious society, such society shall have full power to manage, improve, and use the same, according to the terms and conditions on which the same may be

made ; to elect suitable trustees, agents, or officers therefor ; and to prosecute and sue for any right which may vest in such society in consequence of such donation, gift, or grant.

SEC. 4. *Be it further enacted*, That all ministers ordained agreeably to the usages of the sect or denomination to which they severally belong, whether over corporate or unincorporate society or societies, within this Commonwealth, shall have the same exemptions from taxation, as are given to stated ordained ministers of the gospel, in the town, district, parish, or plantation, where they are settled ; subject, however, to the same restrictions and penalties. Ministers exempt from taxation.

SEC. 5. *Be it further enacted*, That all parts of acts inconsistent with this act, be, and the same are hereby repealed.

[This act passed *June 18, 1811.*]

CHAP. VII.

An Act to establish the Turner Wool and Cotton Manufactory.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Daniel Carey, John Turner, Oliver Pollard, Samuel Blake, Alden Blossom, together with such other persons as may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of The Turner Wool and Cotton Manufactory, for the purpose of manufacturing wool and cotton, in the town of Turner, in the county of Oxford, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "An Act defining the general powers and duties of Manufacturing Corporations." Persons incorporated.

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of twenty-five thousand dollars, and such personal estate not exceeding the value of seventy-five thou- Possession of property allowed.

sand dollars, as may be necessary and convenient for establishing and carrying on the Manufactory of wool and cotton in Turner aforesaid.

[This act passed June 18, 1811.]

CHAP. VIII.

An Act providing for the appointment of Clerks of the Courts in the several Counties, and for the safe keeping of the Judicial Records and Files, and for other purposes.

Appoint-
ments by the
Governor.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be nominated and appointed by the Governor, with the advice of the Council, during pleasure; one person in each county in this Commonwealth, who shall be Clerk of all the Judicial Courts holden in the same county, and shall have the care and custody of all the records, files, and proceedings which have heretofore been had, and now remain in the respective offices of either of the Clerks of the Supreme Judicial Court or Court of Common Pleas; and who shall be Clerk of all the Judicial Courts holden in the same county, under the authority of this Commonwealth, and who shall do and perform all the duties, services, acts, matters, and things, which he as Clerk of either of said Courts, ought by law to do and perform.

Duties of
clerks.

SEC. 2. *And be it further enacted,* That the several Clerks to be appointed by virtue of this act, shall keep a true and exact account of all the monies they shall receive by virtue of their office, and shall on the first Wednesday of January annually, render to the Treasurers of their respective counties, under oath, a true account of the whole sum thus by them received, and after deducting twelve hundred dollars (if they shall have received so much) which shall be held and retained for their own use, they shall pay over the one half of all the residue to their respective County Treasurers for the use of the county.

SEC. 3. *And be it further enacted,* That every such Clerk, before he shall enter upon the duties of his office, shall be sworn or affirmed to do and perform all the duties apper-

taining to his office, and such Clerk shall also give bond ^{Bond.} to the Commonwealth to the acceptance of the Governor and Council in a penal sum, not less than ten thousand dollars, with two or more sureties, conditioned that he will well and faithfully do and perform all the duties and pay over all the monies he is required by this act to do and perform, and for the safe keeping and immediate delivery of all the records, files, papers and muniments in said office to his successor, upon his leaving said office; which bond shall be lodged in the office of the Treasurer of this Commonwealth.

SEC. 4. *And be it further enacted,* That each of the Clerks aforesaid shall be required to pay over to the Treasurer of the county for which he may be appointed, all monies received by him, which has heretofore been ordered to be paid into the County Treasury for the use of the County or Commonwealth within thirty days from the adjournment of the Courts at which he may have received the same ^{Time limited to pay the Treasurer.}

SEC. 5. *Be it further enacted,* That upon any appeal hereafter made, entered or prosecuted before the Supreme Judicial Court (except in those counties where there is not any term of the Supreme Judicial Court now holden) it shall not be the duty of the appellant or plaintiff in review to produce copies of the case, suit or process, but it shall be the duty of such Clerk to produce and furnish all the original papers, as the same may remain on file in his office with the docket of the Courts of the term when such action was terminated, and nothing hereafter shall be taxed for copies on any such appeal or review, except such papers, copies and documents, as the Justices of the Supreme Judicial Court may order to be furnished by the appellant or plaintiff in review. ^{Negative and positive duties in case of appeal.}

SEC. 6. *And be it further enacted,* That it shall be the duty of the Court exercising the power of Courts of Session in each county as soon as convenient, to provide an office of stone or bricks, which shall be fire proof, well arranged and provided with suitable alcoves, cases and boxes, for the safe keeping of all the records, files, papers and documents, which now remain in the Clerks' offices in the several counties, and which may hereafter accumulate in such offices, at the expense of each county respectively, where such office has not already been provided. ^{Court to provide secure places.}

Vacancies to
be filled.

SEC. 7. *And be it further enacted*, That the Clerks now in office shall continue to do and perform all the duties of their respective offices, until the first day of September next, and until others are appointed and qualified according to the provisions of this act. And in case of a vacancy in said office, or the absence of any Clerk, the Judges of the several Courts are hereby authorised and empowered to appoint a Clerk, who is hereby authorised to do and perform all the duties of Clerk during such vacancy or absence, and it shall be the duty of the several Clerks now in office to deliver over to their successors, all the records, files and papers in their respective offices, immediately upon the appointment of such successor.

Time of the
act to take
effect.

SEC. 8. *And be it further enacted*, That this act shall take effect and have force from and after the first day of September next, and all parts of acts inconsistent with the provisions contained in this act are hereby repealed.

[This act passed June 18, 1811.]

CHAP. IX.

An Act regulating the choice of Town Officers, and Town Meetings.

Qualifica-
tions of a vo-
ter.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That every male citizen of this Commonwealth of twenty-one years of age and upwards, liable to be taxed, who has resided within any town, plantation or district for one year next preceding his voting, shall be entitled to vote in such town, district or plantation, in the election of all town officers. *Provided however*, That

Proviso.

no person shall be entitled to vote who is supported as a pauper, and every citizen as aforesaid, who has resided within any town, district or plantation, for one year as aforesaid, and during said term has been taxed for his poll, or any estate in any tax voted to be raised by said town, district or plantation, shall be entitled to vote in all other town affairs.

SEC. 2. *Be it further enacted*, That the election of Moderator of all town meetings for the choice of town

officers, (excepting in the town of Boston) of Town Clerks, Elections to
 Selectmen and Assessors, shall be by written ballots, and be by ballot.
 during the election of the Moderator for any town-meeting, the Town Clerk shall preside and shall have all the powers and do all the duties which the Moderator of a town-meeting now by law has and does perform.

SEC. 3. *Be it further enacted*, That if the Moderator or Selectmen presiding at any town-meeting without the consent of the voter shall read or examine, or permit any other person to read or examine the name or names written on his ballot or ticket with a view to ascertain the name of the candidate voted for, before the poll is closed, the Moderator, Selectmen or Selectman so offending, shall each of them on conviction, forfeit and pay to the use of such town the sum of twenty dollars, to be recovered by indictment in any court proper to try the same. Ballot for candidates not to be examined till close of poll.

SEC. 4. *Be it further enacted*, That all parts of any acts inconsistent with this act, be, and the same are hereby repealed.

[This act passed June 18, 1811.]

CHAP. X.

An Act respecting the offices and duties of the Attorney General, Solicitor General, and county Attornies.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That, an act entitled "An Act repealing the first section of an act entitled An Act respecting the offices and duties of the Attorney General, Solicitor General, and County Attornies," passed the twentieth day of June, in the year of our Lord one thousand eight hundred and nine, be, and the same hereby is repealed. Act repealed.

SEC. 2. *Be it further enacted*, That the first section of an act entitled "An Act respecting the offices and duties of the Attorney General, Solicitor General, and County Attornies," be, and the same is hereby revived. — revived.

[This act passed June 18, 1811.]

CHAP. XI.

An Act for allowing further time to the Stoughton Turnpike Corporation for completing their Road.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time of two years from the twenty-third day of June, one thousand eight hundred and eleven, be, and hereby is allowed to said corporation to complete said Turnpike Road, any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed June 19, 1811.]

CHAP. XII.

An Act to establish The First Baptist Society in Woolwich, in the county of Lincoln.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Stinson, William Hathorn, John Curtis, John Perkins, Charles Curtis, Thomas Card jun. Daniel Card, John K. Stinson, Stephen Stinson, Gideon Stinson, Charles Carter, Joseph Lancaster, Robert Hanson, John C. Delano, Nathaniel Tibbetts jun. Ebenezer Delano, John Doyle, Joseph Snell, Asa Snell, Benjamin Shaw, John Wright, Abner Brookins, Robert Perkins, Seth Hathorn, Charles Curtis jun. James Cross, Joshua Bayley, Joshua Bayley, jun. John M. Bayley, Bradford Delano, Ebenezer Brookins, James Bayley, Samuel Mains, Daniel Card, jun. John Shaw, Benjamin Beals, Timothy Williams, John Card, John G. Gould, William Gray, Nathaniel Gould, Joshua Walker, Thomas Tibbetts, Jesse Bayley, Francis Cushman, Jacob Savage, James Blen, jun. Barzilla Walker, Benjamin Bayley, Simon Williams, Josiah Hedge, Daniel Walker, James Williams, Aaron Hilton, Andrew Savage, Joseph Wright, Joseph Brookins, Edward Farnum, Rich-

Persons in-
corporated.

ard Mitchell, Daniel Bayley, Ezekiel Walker, Samuel Soule, Samuel Brookins, widow Eunice Brookins, and Susannah Blanchard, with their families and estates, be, and they are hereby incorporated, into a distinct religious society, by the name of The First Baptist Society in Woolwich, with all the powers, privileges, rights, and immunities to, and subject to all the duties which other religious societies are entitled to by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any and every person in the town of Woolwich, in the county of Lincoln, being of the Baptist denomination, who may at any time hereafter, actually become a member of, and unite in religious worship with said society in Woolwich, and give in his or her name to the clerk of the town or parish, to which he or she belongs, with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with said Baptist society fourteen days previous to the town or parish meetings to be held in the month of March or April annually, shall from and after giving such certificate with his or her poll and estate, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed in the town or parish to which he or she belonged previous to that time.

Qualifications to constitute a member.

Proviso.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society, and shall give in his or her name to the clerk of said Baptist society with a certificate signed by the minister or clerk of the town or parish where he or she may so unite, that he or she has actually become a member of, and united with such town or parish fourteen days previous to their annual meeting, and shall have paid his or her proportion of all monies assessed in said society previous thereto, such person shall from and after giving in such certificate, with his or her poll and estate, be considered as a member of the society to which he or she had so united.

Requisite measures for leaving the society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the aforesaid county, be, and he hereby is authorised to issue his warrant directed to some member of

Warrant to be issued.

said society, requiring him to notify all the members thereof qualified to vote in parish affairs, to assemble at some suitable time and place in said Woolwich, to choose such officers, and transact such matters and things, as other parishes are by law authorized and required.

Parts of act
repealed.

SEC. 5. *Be it further enacted*, That so much of the act passed on the twentieth day of June, one thousand seven hundred and ninety-seven as is inconsistent with the intention of the present act, and as far as concerns the town of Woolwich, be, and the same is hereby repealed.

[This act passed June 19, 1811.]

CHAP. XII.

An Act to alter and establish the Line between the towns of Dana and Greenwich.

Boundaries
described.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the line between the towns of Dana in the county of Worcester, and Greenwich in the county of Hampshire, shall henceforth be as is herein described, viz. beginning at the southeast corner of New-Salem, thence east forty-six rods to land of William Cutler and William Cutter, thence south nineteen degrees west, ninety-six rods to a stake and stones, thence east forty-six rods to a stake and stones; thence south one hundred and forty-six rods to a heap of stones on a rock, thence east fifty-four rods and one half rod to a maple tree, and a heap of stones, thence south two degrees and one half degree west, seventy-seven rods to a stake and stones; thence south forty degrees west, sixteen rods to a white oak tree, thence south twenty degrees east, thirty two rods to a large pine tree, south twenty-one degrees west, forty-four rods to a heap of stones, west two degrees and half a degree, north thirteen rods and half a rod to a stake and stones; thence south twenty degrees west, sixty-seven rods to a heap of stones on a rock, thence east twenty-four degrees south, fifty-five rods to a heap of stones; south eight degrees west, two hundred and nine rods, to a heap of stones; east fourteen degrees south, one hundred and

thirty rods and half a rod ; north forty degrees east, twenty rods, to Benjamin Richardson's corner ; east forty degrees south, one hundred and sixty-eight rods, to a stake and stones ; being the south-east corner of said Richardson's land ; thence south thirty-seven degrees west, one hundred and nine rods to a heap of stones in the west line of land belonging to Ephraim Thayer.

[This act passed *June 19, 1811.*]

CHAP. XIV.

An Act to annex a part of the town of Sharon to the town of Walpole, in the county of Norfolk.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a tract of land situate in Sharon, belonging to the heirs of Jonathan Fales, late of Walpole, deceased, containing twelve acres and three quarters, bounded easterly on land of the heirs of Ebenezer Baker, deceased, southerly on land of Oliver Clap, westerly on the Norfolk and Bristol Turnpike, northerly on land of David Allen, in a direct line of the dividing line between said towns, and the said tract above described, be, and the same is hereby set off from the town of Sharon, and annexed to the town of Walpole.

*Tract of land
set off.*

[This act passed *June 21, 1811.*]

CHAP. XV.

An Act to annex Peter Tufts, and a part of his estate, to the town of Charlestown, in the county of Middlesex.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Peter Tufts with his family, and that part of his estate lying in Medford, in said county of Middlesex, bounding northwesterly on the road leading to Medford bridge, northeasterly on land of Samuel Dex-

ter Esq. southwesterly on the road leading to Charlestown, the same being a triangular parcel of land of about five acres, together with all the buildings thereon standing, be, and is hereby set off from the town of Medford aforesaid, and annexed to the town of Charlestown, in said county of Middlesex. *Provided however,* That the said Peter Tufts with said estate shall be holden to pay his proportion of all taxes now granted, assessed or ordered to be assessed by said town of Medford, in the same manner as they would have been if this act had not passed.

[This act passed *June 21, 1811.*]

CHAP. XVI.

An Act to incorporate The First Baptist Society in the town of Rowley.

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Timothy Morse, Moses Tenny, Joseph Pearson, Thomas R. Larkin, Nathaniel Harriman, Parker Smith, John Savory, William Savory, Silas Hardy, Solomon Hale, Samuel Harriman, Richard Dow, Francis Hills, William Woodman, Obadiah Hills Jr. Samuel Wheeler, Obadiah Hills, Oliver Dole, Joshua Dummer, Samuel Dummer jun. John Thurla, Ebben Pearson, Joseph Hardy, Moses Harriman, Richard Kent, Amos Pilsbury, Samuel Wood, Nathan Longfellow, John Pearson, John Thurla jun. Elihu Pearson, Moses W. Thurla, Abner M. Cheney, Enoch Little, Benjamin Plumer, David Poor, Daniel Poor jun. Benjamin Emerson, Thomas Nelson, Timothy Morse jun. Joseph S. Peabody, Artemas W. Perley, Stephen Dole, Daniel Cheney, Benjamin Jacobs, Peter Cloughlin, Paul Stickney, Jacob Lowell, Joseph Floyd, Samuel Dummer and Benjamin Chaplin, members of said religious society, together with their polls and estates, be, and they are hereby incorporated by the name of The First Baptist Religious Society in Rowley, with all the privileges, powers and immunities to which other religious societies in this Commonwealth are by law entitled.

SEC. 2. *And be it further enacted,* That any person in the town of Rowley, or in the adjoining towns who may at any time hereafter actually become a member of, and unite in religious worship with said society, in said Rowley, and give in his or her name to the clerk of the parish to which he or she belonged, with a certificate signed by the minister and clerk of said society, or by a committee chosen for that purpose, that he or she hath actually become a member of, and united in religious worship with said Baptist religious society, in Rowley, fourteen days previous to the parish meeting therein, to be held in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of said society. *Provided however,* That such persons shall be held to pay his or her proportion of all monies assessed or voted in the parish, to which he or she belonged, previous to that time.

Qualifications to constitute a member.

SEC. 3. *And be it further enacted,* That when any member of any of said society, shall see cause to leave the same, and unite in religious worship with the society in the parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist religious society, with a certificate signed by the minister and clerk of the parish with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society, or raised previous thereto, shall from and after giving such certificate with his or her polls and estates, be considered as a member of the society to which he or she hath so united.

Requisite measures for leaving the society.

SEC. 4. *And be it further enacted,* That any Justice of the Peace in the county of Essex, be, and he is hereby authorised and empowered, to issue his warrant, directed to some suitable member of said society, to meet at such time and place as shall be appointed in said warrant, to choose such officers, and transact such other business, as parishes are by law entitled to choose and transact in the month of March or April annually.

Warrant to be issued.

[This act passed June 21, 1811.]

D d d

CHAP. XVII.

An Act to establish the town of Corinth.

Boundaries
described.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township numbered two in the fourth range of townships north of the Waldo patent, in the county of Hancock, be, and hereby is incorporated and established as a town by the name of Corinth, within the following described boundaries, viz. easterly by number one, in the same fourth range, southerly by number two in the third range, westerly by number three in the same or fourth range, and northerly by number two in the fifth range; and the inhabitants of the said town of Corinth are hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

Warrant to
be issued.

SEC. 2. *And be it further enacted,* That any Justice of the Peace for the county of Hancock, is hereby authorised upon application therefor, to issue a warrant directed to a freeholder and inhabitant of the said town of Corinth, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual town meetings.

[This act passed *June 21, 1811.*]

CHAP. XVIII.

An Act establishing The North West River Canal Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joseph Fitch, Tyler Porter, Jonathan Barker, Joseph Lakin, David Potter, William

Burns, Morril Hobbs, and Tyler Porter jun. Daniel Hill, and Jonathan Poor, together with such other persons as may hereafter be associated with them and their successors, shall be a corporation, by the name of The North West River Canal Corporation, and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted; shall have a common seal, which they may at pleasure alter, and shall enjoy all privileges and powers, and do and suffer all such matters and things as are incident to similar corporations.

SEC. 2. *Be it further enacted*, That the proprietors aforesaid, be, and hereby are empowered, within the term of five years from the passing of this act, to make a canal from Peabody's Pond in Baldwin, in the county of Cumberland, to Sebago Pond in Baldwin aforesaid, in the most convenient direction, and most suitable places for making said canal, and for loading and unloading, and transporting any lumber and other commodities therein.

Company in-
corporated.
Empowered
to make a
canal.

SEC. 3. *Be it further enacted*, That if any person or persons, shall suffer any damage by means of said canal, and the parties cannot agree upon the amount of damage thus occasioned, nor upon some suitable person or persons to estimate the same, then, and in such case some disinterested committee of three freeholders in said county, shall be appointed by the Court of Common Pleas in and for said county, and the determination of the committee or referees so appointed, shall be the measure of said damage: *Provided however*, That if either party shall be dissatisfied with the report of said referees so appointed, and shall at the same session of the Court aforesaid, at which said report shall be made, apply to said Court to have his damages estimated by a jury in the manner other causes are determined, the Court aforesaid shall have power to determine the same by jury as aforesaid, and if the verdict of the jury shall not give to the party applying a greater sum in damages than said referees shall have awarded as aforesaid, then the said Court shall award costs against the applicants, but if said last decision shall be more favourable to the party applying than the report of said referees, then the said Court shall render judgment accordingly, and issue execution in either case.

Damage es-
timated by
referrees.

Proviso.

SEC. 4. *Be it further enacted*, If any person or persons, shall wilfully and maliciously in any way destroy

Forfeiture in
case of will-
ful injury.

or injure said canal, or any works, or part thereof, or divert or obstruct the waters, to the damage of the proprietors thereof, he, she, or they shall pay treble the amount of such damage, as said proprietors shall, before the Court and Jury, before whom the trials shall be had, make to appear said proprietors have sustained by means of said trespass, to be sued for and recovered in any Court proper to try the same.

Toll estab-
lished.

SEC. 5. *Be it further enacted*, That for the purpose of remunerating said proprietors, for the monies by them expended, and to be expended in building and supporting said canal, a toll be, and hereby is granted and established for the benefit of said corporation, their successors and assigns, at each slip, not exceeding five in number, according to the rates following. viz. For each mill log one cent; for each thousand of clapboards and shingles, one and an half cents; for each thousand of boards, plank, and slitwork, three cents; for masts, spars, ranging and other timber, three cents per ton.

May recover
by law.

SEC. 6. *Be it further enacted*, That said proprietors shall, as soon as said canal is, in the opinion of the Court of Common Pleas in said county of Cumberland, or in the opinion of a committee appointed by said Court, completed, have power to recover the toll as aforesaid, on all the several articles as they pass and repass, and to retain them or any part of them, if payment should be refused.

Method of
calling meet-
ing.

SEC. 7. *Be it further enacted*, That upon the application of any three of said proprietors, to any Justice of the Peace in the said county of Cumberland, requesting him to call a meeting of said proprietors, to be holden at some convenient place near said canal, such Justice shall be, and is hereby empowered, to issue his warrant to one of said proprietors (requesting him to notify and warn his associates to meet at such time and place as shall be directed in said warrant,) who, when met, may agree upon a method for calling future meetings of said proprietors, and do and transact all such other matters and things of the proprietary, as shall be expressed in said warrant, and not contrary to the laws and constitution of this Commonwealth.

May hold
real estate.

SEC. 8. *Be it further enacted*, That said proprietors be, and they hereby are authorised and empowered to purchase and to hold to them and their successors

forever, so much real estate as shall be necessary for the purposes aforesaid, not exceeding five thousand dollars.

SEC. 9. *Be it further enacted*, That each proprietor shall have a right to vote in proprietary meetings according to his interest, either in person or by legal representation. Right of voting.

[This act passed June 21, 1811.]

CHAP. XIX.

An Act to establish The Independent Christian Baptist Society in the town of Wells, in the county of York.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Elisha Hatch, Samuel Mil-dram, Joshua Clark, Theodore Littlefield, Moses W. Day, William Hobbs, Solomon Clark, Ebenezer Day, jun. Joseph Goodwin, Samuel Chaney, Daniel Sparkley, Alexander Cooper, Moses Cooper, Joshua Nason, John Cooper, Nathaniel Littlefield 3d. Benjamin Cooper, William Warrin, John Warrin, William Warrin jun. Nathaniel Grant, Richard Hodsdon, James Grant, Thomas Grant, Daniel Grant, Joseph Shorey, James Goodwin, John Wilkinson, John Plaisted, George Plaisted, Nathaniel Joy, Benjamin Hearl, William Hodsdon, Benjamin Hodsdon, James Grant jun. Benjamin Pearce, Amos Nason, Ebenezer Wadley, John Kimball, Benjamin Kimball, Solomon Stevens jun. William Boston, Abraham Goodall, David Merrifield, Abram Boston, Abner Goodall, Nathaniel Littlefield, Asa Stuart, Warwick Hobbs, Samuel Shadburn, Asa Littlefield, Daniel Maxwell, Solomon Hatch, Joseph Goodwin jun. Benjamin Larrabee, Nathaniel Hatch, Jedediah Gooch jun. and Joseph Hobbs, jun. with their polls and estates, be, and they hereby are incorporated by the name of The Independent Christian Baptist Society, in the town of Wells, with all the privileges powers and immunities, which parishes in this Commonwealth by law enjoy. Persons in-corporated.

SEC. 2. *Be it further enacted*, That any person in the towns of Wells or Berwick, who may at any time

Method of
becoming
members.

hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish, to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estate, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all monies assessed or voted, in the parish to which he or she belonged, previous to that time.

Measures to
be taken for
leaving.

SEC. 3. *Be it further enacted,* That when any member of said society shall see cause to leave the same, and unite in religious worship with any religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, signed by the minister or clerk of the parish, or other incorporate society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or incorporated religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate with his or her polls and estate, be considered as a member of the society to which he or she may so unite.

Warrant to
be issued.

SEC. 4. *Be it further enacted,* That any justice of the Peace in the town of Wells, be, and he hereby is authorised and empowered to issue his warrant directed to some suitable member of said society, to meet at such time and place as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 21, 1811.]

CHAP. XX.

An Act to establish The First Baptist Society in Fairfax.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jonathan Fairfield, Josiah Ward, Stephen Dexter, Nathan Dexter jun. Nathaniel Dexter, Silvanus Harlow, William Spratt, Samuel Ward, Richard Thanaly, Stephen Hussey, Allen Wing, Benjamin Lewis, Daniel Stephens, Henry Baker, Zalmuna Washburn, Jabez Lewis, Michael Norton jun. Stephen T. Wiggen, Bela Burrell, Abraham Burrell jun. Thomas Dexter, Asa Burrell, jun. Japheth C. Washburn, John S. Fairfield, Japheth Washburn, Samuel Lewis, Job Billington, John Dickey, and John Sturtevant, together with their polls and estates, be, and they hereby are incorporated by the name of The First Baptist Society in Fairfax, with all the privileges, powers and immunities, which parishes in this Commonwealth by law enjoy.

Persons in-
corporated.

SEC. 2. *Be it further enacted*, That any person in said town of Fairfax, or in the town of Harlem, in the county of Kennebeck, who may at any time hereafter, actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estates, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all the monies assessed or voted in the parish to which he or she belonged previous to that time.

Method of
becoming
a member.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and

Measures to
be taken for
leaving.

shall give in his or her name to the clerk of the Baptist society aforesaid, signed by the minister or clerk of the parish or other incorporate society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or incorporated religious society, fourteen days previous to their annual meeting, and shall pay his or her proportion of all monies voted in said society raised previous thereto, shall from and after giving such certificate, with his or her polls or estate, be considered as a member of the society to which he or she may so unite.

Warrant to
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the towns of Fairfax or Harlem, be, and he is hereby authorised and empowered to issue his warrant directed to some suitable member of said society to meet at such time and place, as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 21, 1811.]

CHAP. XXI.

An Act to establish the Baptist Society in Saco.

Persons in-
corporated.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Joseph Berry, Samuel Berry, Westbrook Berry, John Berry jun. John Boothby jun. Lemuel Boothby, Joseph Cole, Richard Dresser, Samuel Hains, David Libby, Solomon Libby, John Libby, Aaron M'Kenney, Abner M'Kenney, Samuel M'Kenney, John M'Kenney, John M'Kenney jun. Philemon M'Kenney, Robert M'Laughlin, Stephen Milliken, Thomas Milliken jun. David Nicholson, George Parcher, Elias Parcher, David Ridley, Daniel Ridley, Asa Seavy, Eli Seavy, Ebenezer Seavy, Reuben Seavy, John Seavy, Anthony Starbord, William Sweetser, James Tyler, James Tyler jun. and William Woodsom, with their families and estates, together with such others as may hereafter associate with them and their successors, in the manner

provided by this act, be, and they are hereby incorporated as a religious society, by the name of The Baptist Society in Saco, with all the powers and privileges exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person living in either of the towns of Saco, Buxton, or Scarborough, who may desire to join the said Baptist Society in Saco, shall declare such intention in writing, delivered to the elder, minister, or clerk of the said Baptist society, fifteen days at least before their annual meeting, and if such person do receive, and can produce a certificate of admission, signed by the said elder, minister, or clerk, that such person has united with, and has actually become a member of the said Baptist society in Saco, such person shall, with his or her polls and estate, from the date of such certificate, be considered a member of the said Baptist society. *Provided however*, That every such person shall be holden to pay his or her proportion of all parochial expenses, in the society to which such person belonged, assessed and not paid, prior to leaving such society.

Qualifications to constitute a member.

SEC. 3. *Be it further enacted*, That when any member of the said Baptist society, shall see cause to leave the same, and to unite with any other religious society in the town in which such person may have his home, shall give notice of such intention in writing, to the minister, clerk, or committee of such other society, fifteen days, at least, before the annual meeting; and if such person do receive, and can produce a certificate of admission signed by the minister, elder, or clerk, of such other religious society, that such person has united with, and has actually become a member thereof, such person shall, with his or her polls and estate, be considered from the date of such certificate, a member of such other society.

Requisite measures for leaving the society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, for the county of York, upon application therefor, is hereby authorised to issue a warrant, directed to a freeholder and member of the said Baptist society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as religious societies, have a right to choose at their annual meetings.

Warrant to be issued.

[This act passed June 21, 1811.]

CHAP. XXII.

An Act in addition to the several acts defining the limits of the towns of Conway, Deerfield and Whately.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, all the land lying and being south of the north line of lot number sixteen in the long hill (west division, so called,) in the town of Deerfield, in the county of Hampshire, be, and hereby is set off from the said town of Deerfield, and annexed to the town of Conway in said county.

Land set off.

SEC. 2. *And be it further enacted,* That from and after the passing of this act, the easterly line of the town of Conway, between the said town and the town of Whately, be, and hereby is established as follows, to wit, beginning at the southwest corner of Thomas Sanderson's land on the line of the town of Whately; thence running north thirty-two degrees east, sixty-four rods and four links; thence north seven degrees and thirty minutes west, ninety-four rods; thence north thirteen degrees east, eighty-eight rods to the north line of said lot, number sixteen, in said town of Deerfield.

Boundaries fixed.

SEC. 3. *Be it further enacted,* That all parts of acts inconsistent with the provisions of this act be, and the same hereby are repealed.

[This act passed June 21, 1811.]

CHAP. XXIII.

An Act to incorporate John L. Sullivan and others, by the name and style of The Merimack Boating Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said John L. Sullivan, his associates and successors, be, and hereby are incorpo-

Persons incorporated.

rated, and shall be a corporation for the term of twenty years, under the name of The Merrimack Boating Company, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges which are by law incident to corporations, for the purposes, and only for the purposes, in this act provided for.

Corporation
may sue and
be sued.

SEC. 2. *And be it further enacted*, That the said John L. Sullivan, his associates and successors, shall under this act have power and authority to have, own, and use boats for the purpose of transporting goods, wares and merchandise, the produce and manufacture of the country, and other things from the harbour of Boston to the westerly end of Middlesex Canal, and from thence up the river Merimack to the northerly line of this state; and from the northerly line of this state on the said river and Middlesex Canal, to the harbour and town of Boston, and all the intermediate places on the waters of Merimack river, and the harbour aforesaid.

Authorised
to use boats
and bounda-
ries fixed.

SEC. 3. *And be it further enacted by the authority aforesaid*, That the said John L. Sullivan may make an application to any Justice of the Peace for the county of Suffolk, requesting him to call a meeting of the proprietors to be holden at some convenient place within the town of Boston, in the same county; whereupon such Justice is hereby empowered to issue his warrant, directing him to warn and notify said proprietors to meet at such time and place in said town of Boston, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of the said company for the future; and to do and transact such matters and things, relating to the said corporation, as shall be expressed in the warrant. And the proprietor to whom such warrant shall be directed shall give notice to the proprietors, by causing the same or the substance thereof, to be published in two of the Boston newspapers fourteen days before the holding of the said meeting, and make return thereof under his hand to the same meeting, to be lodged with the clerk to be then and there chosen. And the proprietors may at the same, or any other legal meeting, choose a clerk, treasurer, agent and other officer or officers of the Corporation, that they may deem necessary for ordering and regulating the business

Provision for
calling meet-
ings.

Proprietors
to choose
officers.

and affairs of the said Corporation; and every proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation, each share having one vote.

Possession
of property
allowed.

Proviso.

SEC. 4. *And be it enacted by the authority aforesaid,* That the corporation hereby erected, are authorised and empowered to purchase, and hold to them and their successors forever, so much personal estate consisting of boats and tackle, engines and apparel necessary for transportation as aforesaid, and so much real estate as may be necessary for the purpose of landing places and store-houses; *Provided,* the whole property does not exceed the value of one hundred thousand dollars, and comprehend no more than twenty acres of land, not more than two of which shall lie in Boston. And all property held by said Corporation, shall be divided into one hundred shares, and shall be considered as personal property, and transferable by assignment. *Provided,* That all real estate held in any town by said Corporation shall be liable to taxation in such town, as other real estates are liable to be taxed.

Personal
property lia-
ble for debts.

SEC. 5. *And be it further enacted by the authority aforesaid,* That the property of the Corporation, and the real and personal estate of the individuals respectively who compose the same, shall be liable for the debts of the Corporation; and that any writ of execution issued on any judgment against the said Corporation, may be levied on any estate of the said Corporation, or on any estate real or personal of any individual who is a member of said Corporation.

[This act passed June 21, 1811.]

CHAP. XXIV.

An Act supplementary to the acts respecting School Districts.

Preamble.

WHEREAS it sometimes may happen that the sums assessed on the several persons in a School District cannot be collected of them, and doubts have arisen, whether, in such case, the assessors are authorised by law to remit such taxes. Therefore,

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the assessors of the several towns and districts in this Commonwealth, be, and they hereby are vested with the same powers to remit sums of money assessed on the inhabitants of any School District, for the purpose of purchasing, building, repairing or furnishing school houses, as they have to remit any sums of money assessed on the inhabitants of any town or district, for defraying town or district expenses.

Assessors
authorised
to remit
monies.

[This act passed June 21, 1811.]

CHAP. XXV.

An Act to annex Isaac Smith and John Ellis jun. to the town of Walpole.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Isaac Smith and John Ellis jun. of Walpole, in the county of Norfolk, with their polls and estates, lying and being in said Walpole, be, and hereby are set off from the third parish in Dedham, and re-annexed to the said town of Walpole.

[This act passed June 21, 1811.]

CHAP. XXVI.

An Act to annex Daniel Rogers, to the town of Brewster.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Daniel Rogers, with his family and estate, be, and hereby is set off, from the town of Harwich, and annexed to the town of Brewster, there to do the duties and exercise the privileges of other inhabitants of the said town of Brewster.

[This act passed June 21, 1811.]

CHAP. XXVII.

An Act to establish the town of Carmel.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township numbered three in the second range of townships, north of the Waldo patent, in the county of Hancock, be, and hereby is established as a town, by the name of Carmel within the following described boundaries, viz. easterly by the township numbered two in the same range, southerly by number two in the first range, westerly by number four in the same or second range, and northerly by number two and number three in the third range. And the inhabitants of the said town of Carmel are hereby vested with all the powers and privileges, and subjected to the like duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace, for the county of Hancock, is hereby authorised to issue a warrant directed to a freeholder and inhabitant of the said town of Carmel, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be expressed in said warrant, for the choice of such officers, as towns are by law required to choose at their annual town meetings.

[This act passed June 21, 1811.]

CHAP. XXVIII.

An Act in addition to an act, entitled “An act to establish The Middlesex Turnpike Corporation, and to the several acts in addition thereto.”

Preamble. **W**HEREAS by an act of the Legislature, passed February 28, 1811, The Middlesex Turnpike Corporation, were authorised to erect one of their gates, on any part of their road between the old road in Lexing-

ton, and the old road in West Cambridge, near the foot of the rocks (so called), by which act, sundry persons feel themselves aggrieved. Therefore,

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all the inhabitants of the town of Lexington, and Nathan Harrington, James Wright, Isaac Reed, Silvanus Wood, and Abel Pierce, of Woburn, and their families, and all future occupants of their farms, shall have the liberty of passing and repassing on the old county road, and through the gate (should a gate be erected on said old road) at all times free of toll, provided they travel on said old county road. Persons incorporated.

SEC. 2. *Be it further enacted,* That William Blanchard, Samuel Hoar, and Joseph Barrett Esq. be, and hereby are appointed commissioners, and authorised to establish the gates on the Middlesex Turnpike road according to the provisions of the several acts, establishing said Turnpike Corporation, and the report of said commissioners, or any two of them, made and filed in the office of the clerk of the Court of Common Pleas, for the county of Middlesex, shall be held and considered a legal establishment of said gates. Commissioners appointed.

SEC. 3. *Be it further enacted,* That said Corporation may purchase and hold real estate for the accommodation of their road, to any amount not exceeding fifteen thousand dollars. Possession of property allowed.

[This act passed June 21, 1811.]

CHAP. XXIX.

An Act to incorporate a number of the inhabitants of the district of Hiram, by the name of The Baptist Society in Hiram, in the county of Oxford.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Loammi Baston, Royal Baston, Winthrop Baston, Aaron Cross, John Fitz, James Fitz jun. James Gilmore, Samuel Hooper, Ephraim Kimball, Edward Lewis, Josiah Maybery, Asa Osgood, Persons incorporated.

Proviso.

Aaron Richardson, Edward Richardson, John Watson, John Watson jun. and Thomas B. Watson, with their families and estates, together with such others as may hereafter associate with them and their successors, be; and they are hereby incorporated and established as a religious society, by the name of The Baptist Society in Hiram, with all the powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth. *Provided however*, Each of the persons, before named, and all others who may hereafter associate with them or their successors, shall be holden to pay his or her proportion of all parish or society assessments and expenses incurred, assessed and not paid in any society, to which they formerly belonged, or attended public worship.

Warrant to be issued.

SEC. 2. *Be it further enacted*, That any Justice of the Peace, for the county of Oxford, is hereby authorised, upon application therefor, to issue a warrant, directed to some member of the said Baptist society, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as may be expressed in the said warrant, to organize the said society, by the election of its officers.

[This act passed June 21, 1811.]

CHAP. XXX.

An Act to divide the town of Eastport, and to establish a part thereof as a separate town, by the name of Lubeck.

Boundaries described.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all that part of the town of Eastport, as contained, and described within the following boundaries, be, and the same is hereby established as a separate town, by the name of Lubeck, viz. southerly by the Bay of Fundy, or Atlantic Ocean, easterly by a line drawn from the easterly point of West Quoddy head through the narrows into Passamaquoddy bay, and between Campo Bella island, and mark on Frederick island, includ-

ing Green Island, northerly by the middle of the channel, between Moose Island and Dudley Island, and following said channel between Goves Point and Birch Point, and between Denbo's Neck and Fall Island; thence up Straight Bay, to a white pine tree, marked 1785 N. E. N. W. ; thence by a line of trees, south nine degrees thirty minutes east, four miles, three hundred and twelve rods, to a spruce tree on the northerly shore of Haycock's harbour, marked 1785 S. W. S. E. ; and from thence through the middle of said harbour, to the Bay of Funday, including all the islands and inhabitants within the above described boundaries ; and the said town of Lubeck is hereby vested with all the powers and privileges, and is also subjected to the same duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the four lots of publick land in the town of Eastport, of three hundred and twenty acres each, shall be equally divided between the said towns of Eastport and Lubeck, and Messieurs Solomon Cushing, Otis Lincoln, and Moses Lincoln, are hereby appointed a committee to divide the same, equal in quantity and quality, they giving seasonable notice to the Selectmen of each town, of the time and place of entering upon the duties hereby assigned them, and their report being recorded in the records of each of said towns of Eastport and Lubeck, shall operate as a confirmation of said land to each of said towns, according to said division, any law or resolve to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That the inhabitants and proprietors of land in the said town of Lubeck, shall be holden to pay their proportion of all taxes already voted to be raised or assessed by the town of Eastport, and also to pay their proportion of all public debts due and owing by the said town of Eastport, at the time of passing this act; and also to pay their proportion of the expense of supporting the poor, now belonging to the town of Eastport, incurred previous to the passing of this act, according to the present taxable property of the towns of Eastport and Lubeck, and the settlement and support of the poor in time to come shall be determined according to their local residence and situation, prior to the passing of this act.

SEC. 4. *Be it further enacted*, That the said town of Lubeck shall be entitled to demand and receive its pro-

Provision for
money raised,
&c.

Proviso.

Warrant to
be issued.

portion of all the public stock of the town's arms, ammunition, or any other property whatsoever, and also to receive its proportion of all monies voted to be raised or assessed for the building a house for the poor, in said Eastport, and of all materials and furniture belonging to, or purchased for the same, and a receipt of the money or other property, shall operate as a release of all the right and interest of the said town of Lubeck therein. And the powers and duties of all the present town officers of Eastport shall continue until the same are completed, notwithstanding the organization of the said town of Lubeck. *Provided however,* That until the population of the said town of Lubeck shall be sufficient to entitle them to a separate representation in the Legislature, the said town shall continue to join with the town of Eastport in the election of a representative, and shall pay its proportion thereof accordingly, and at all meetings which shall be holden for the election of such representative, the Selectmen of Eastport shall preside, and do and perform all the duties which Selectmen at such meetings are bound by law to do and perform.

SEC. 5. *And be it farther enacted,* That any Justice of the Peace for the county of Washington, is hereby authorised to issue a warrant directed to a freeholder of the said town of Lubeck, requiring him to notify and warn the inhabitants to meet at such convenient time and place, as may be appointed in said warrant, for the choice of such officers as towns are by law required to choose or appoint at their annual town-meetings.

[This act passed June 21, 1811.]

CHAP. XXXI.

An Act establishing The First Methodist Society in Salisbury.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Merrill, Moses Pike, Joseph Pettengill, Benjamin Stevens, Levi Jackman, Jacob Buswell, Abel Eaton, Jesse Carr, Jacob Buswell Jr. John Pike, Daniel Carr, Osgood Carr, Samuel Merrill, John Merrill jun. Chase Stevens, Daniel Eaton, Benjamin French, Samuel Eaton, Moses Deal jun. Samuel True Jr. Moses True, Henry True, Samuel True 4th. Moses Pike Jr. Moses Pike 4th. Caleb Merrill, Samuel Eaton Jr. Samuel Pike, Silas Pike, Benjamin Merrill, Elias Pike, John French jun. Joseph Pettingill jun. Caleb Pike 3d. Nathaniel Jackman, Elisha Eaton, Archalus Eaton, Richard Eaton, with their families and estates, together with such others as have or may hereafter associate with them or their successors, be, and they are hereby incorporated as a separate religious society, by the name of The First Methodist Society in the town of Salisbury, with all the powers and privileges to which parishes or religious societies are entitled, according to the constitution and laws of this Commonwealth. *Persons in-*
corporated. *Provided however,* That all such persons shall be holden to pay their proportion of all monies legally assessed upon them and their estates, for parochial purposes in the parishes to which he or she formerly belonged. *Proviso.*

SEC. 2. *Be it further enacted,* That any person belonging to any other religious society, in the said town of Salisbury, who may desire to join with the said Methodist society, in the town aforesaid, and who shall declare such intention in writing, delivered to the parish clerk, or the clerk of such other religious society, and produce a certificate, signed by the minister or clerk of said Methodist society, that he or she has actually become a member of, and united in religious worship with the said Methodist society, on or before the first day of March in any year, such person shall from the date of such certificate, *Qualifications to constitute a member.*

be considered with his or her polls and estates, a member of said Methodist society.

Measures to
be taken for
leaving.

SEC. 3. *Be it further enacted*, That when any member of the said Methodist society shall see cause to leave said society, and unite with any other religious society, in the town in which he or she may dwell or have their home, and give such notice of their intention, to the minister or clerk of the said Methodist society, and shall also give in his or her name to the minister or clerk of such other society, and from them or either of them produce a certificate to the said Methodist society, that they have actually become members of such other society, fifteen days previous to the annual parish or society meeting, such person shall from the date of such certificate, with his or her polls and estate, be considered a member of such other society. *Provided however*, That in every case of seceding from one society to, and joining another, every such person shall be held to pay his or her proportion of all parochial expenses, incurred previous to leaving such society.

Proviso.

Warrant to
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Essex, upon application therefor, is hereby authorised to issue a warrant directed to some member of said Methodist society, requiring him to notify and warn the members of said society to meet together at such time and place, as shall be appointed in said warrant, for the choice of such officers as parishes or religious societies are by law authorised and empowered to choose at their annual parish or society meetings.

[This act passed June 21, 1811.]

CHAP. XXXII.

An Act providing for the Government and Regulation of the State Prison.

Criminals
sentenced.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That criminals convict, sentenced to confinement to hard labour for life or any other term, or to solitary imprisonment and hard labour, shall, and may

be imprisoned, restrained and employed in, and within the precincts of the State Prison, situate in Charlestown, in the county of Middlesex ; and the Court before whom such conviction may be, are hereby authorised and empowered by warrant under their seal directed to the Warden of said prison, to cause all such convicts, as soon as conveniently may be after sentence, to be removed from any goal in the respective counties of the Commonwealth to the State Prison aforesaid, and the said Warden, and all Sheriffs, and Keepers of the goals aforesaid, are hereby required strictly to observe and obey the directions contained in any such warrant ; and it shall be the duty of the Clerk of any such Court to make out such warrant as soon as may be, and to deliver the same to the Sheriff of the county, where such conviction may be, who is hereby directed to cause the same to be transmitted and delivered to said Warden, who shall by himself, or such person as he may appoint for that purpose, forthwith cause the same to be executed and returned, pursuant to the precept thereof.

Duty of Sheriffs, Keepers, &c.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Warden to receive such persons as may be convicted before any Court of the United States, at any term thereof, holden within this Commonwealth, and sentenced to confinement and hard labour, by any such Court, and all such convicts safely to keep, pursuant to their sentence, until they shall be discharged by due course of the laws of the United States.

Duties of the Warden.

SEC. 3. *Be it further enacted*, That the Governor, by and with the advice and consent of the Council, be, and hereby is authorised to appoint and commission during pleasure, a suitable person as Warden of said Prison, who shall have the care, custody, rule and charge of the same, and of all persons confined therein, and of all lands, buildings, machines, implements, tools, materials, stock and provisions, appurtenant or belonging to the same, or the precincts thereof. And it shall be his duty to serve, execute and return all process within the precincts of said prison, and such process shall be directed to him accordingly. And he shall also be commander of the military force, for guarding said prison; and he shall be the treasurer of said prison, and receive, pay out, and be accountable for, all the money granted for maintaining the same, or derived from manufactures and all other concerns of the prison,

Governor to appoint Warden.

Duties of the Clerk. and he shall cause regular entries to be made by the Clerk, in the books of the prison, of all the pecuniary and other necessary concerns of the establishment, and it shall be his duty twice a year, and at the commencement of every session, to render to the General Court, a fair account examined and approved by the directors, of all the expenses and disbursements, and of all the receipts and profits on account of said prison, and a statement of its general affairs. And the said Warden shall give bond to the Commonwealth in the sum of twenty thousand dollars, with sufficient surety to be approved by the Governor and Council, and upon condition that said Warden shall faithfully perform all the duties incumbent upon him as Warden of said prison.

Directors to be appointed.

To make by-laws, &c.

Powers of the Directors.

SEC. 4. *Be it further enacted*, That the Governor, by and with the advice and consent of the Council, be, and hereby is authorised to appoint and commission during pleasure, three discreet persons to be Directors of the State Prison, who shall have power from time to time to appoint during pleasure, all such officers, agents and servants, as they may deem necessary, for the well ordering, upholding, and maintaining of the State Prison; to define their powers, and prescribe their duties, and to ascertain and fix their compensations; to make, ordain, and establish all such rules, by-laws, orders, and regulations, not repugnant to the laws of the Commonwealth, as they may from time to time see fit for the government and direction of the said Warden, and all other officers, agents and servants of said prison, and, as may be proper for the maintenance, employment and instruction of the convicts, and for the purchase of all materials, machines, tools and implements, provisions, medicines and clothing, for the use of the officers, and for the use of the convicts, and for the sale and disposition of any articles, tools, or manufactures which belong to said prison; and they shall have the sole and exclusive power of directing all matters and things, relating to said prison, the officers, agents, and servants thereof, and of all convicts therein, and as to the manner of keeping the books and accounts of said prison, which books and accounts it shall be their duty from time to time to examine. They shall have power also, with the approbation of the Governor and Council, to make such additional buildings or alterations, within the bounds of the

prison, as they may deem necessary. And said Directors shall cause a copy of all by-laws, rules, orders and regulations established by them, to be laid before the Governor and Council, at the next meeting after the adoption thereof, who may annul the same, or such parts thereof, as they may think proper. And it shall be the duty of said Directors to meet together at the prison statedly, once at least in every month, to attend to and inspect the concerns of the prison, to cause a record to be kept of their doings, and, by turns, to visit the prison, at least three times in every week, for the purpose of seeing that the laws and regulations are duly observed, and of attending to the various concerns of the establishment.

Duties of the Directors.

SEC. 5. *Be it further enacted*, That the Governor, by and with the advice of the Council, be, and hereby is authorised, from time to time, to draw his warrant upon the Treasurer of this Commonwealth in favour of said Warden, for such sum at any one time, as they may deem proper, for all monies which may be appropriated by the Legislature, for the support of the State Prison. And the Governor and Council, for the time being, with the Justices of the Supreme Judicial Court, be, and hereby are constituted Visitors of the State Prison, and it shall be their duty annually, and as much oftener as they may think proper, to visit the prison, and to see that all laws and resolutions, by-laws and regulations made for the government and upholding said prison, are duly observed and executed, and the Governor and Council, are further from time to time authorised to raise, appoint and employ a military guard to consist of such officers and privates as they may deem requisite for the safe keeping and employment of the convicts.

Governor to issue warrants for payment &c.

Visitors.

Guards.

SEC. 6. *Be it further enacted*, That if any Director, the Warden, or any other person employed in the State Prison aforesaid, shall fraudulently contrive, procure, aid, connive at, or otherwise voluntarily suffer the escape of any convict therein committed under sentence of confinement as aforesaid, every such person on due conviction thereof, in the Supreme Judicial Court, shall, and may be punished by solitary confinement for a term not exceeding one year, and by confinement to hard labour, for a term not exceeding twenty years, at the discretion of the said Court.

Forfeiture in case of fraud.

Penalty
for neglect.

SEC. 7. *Be it further enacted,* That if the Warden or any other person, employed as aforesaid, shall negligently suffer any convict committed and in custody, as aforesaid, under sentence of solitary imprisonment, to be at large without the cell or apartment assigned to such convict, or to be there visited, conversed with, comforted or relieved, contrary to the rules and regulations of said prison, or shall negligently suffer such convict, or any convict there committed, under sentence of confinement to hard labour, to be at large without the precincts of the said prison, or, contrary to the rules thereof, to be out of close confinement, the Warden or any other person so neglecting his duty in the premises, being thereof duly convicted in the Supreme Judicial Court, shall be punished by a fine not exceeding five hundred dollars.

Punishment
on conviction of
offence.

SEC. 8. *Be it further enacted,* That if any person shall forcibly or fraudulently rescue, or attempt to rescue, any convict from the custody of any officer or other person authorised or employed by any warrant of commitment as aforesaid, or from the said State Prison, or from any other prison or gaol where such convict may be lawfully committed, pursuant to any sentence of solitary imprisonment, or confinement to hard labour, or shall convey to any convict in custody, or committed as aforesaid or into said State Prison, or any other prison, any tool, instrument, weapon, or other aid, with intent to enable such convict to escape, or to procure the escape of any convict, whether such escape be effected or not, every person so offending, being duly convicted thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment not exceeding one year, and by confinement to hard labour not exceeding ten years; or at the discretion of the said Court, may be punished with a fine not exceeding five hundred dollars, and by binding to the good behaviour for a term not exceeding three years, according to the nature and aggravation of the offence.

for assault.

SEC. 9. *Be it further enacted,* That if any convict committed to the said State Prison, under sentence of confinement to hard labour during life shall assault any Director, the Warden, or other person employed in the government thereof, or shall forcibly attempt to break from the said prison, every such convict so offending, upon due

conviction before the Supreme Judicial Court shall and may be punished by solitary imprisonment not exceeding one year, at the discretion of the Directors, and shall be afterwards there holden in custody upon such former sentence, and every person being under confinement as aforesaid, who shall escape from said prison, shall for every such offence be further sentenced to solitary imprisonment for a term not exceeding twelve months.

SEC. 10. *Be it further enacted*, That if any convict committed to said State Prison, under sentence for a limited time, shall assault any Director, the Warden, or other person, employed in the direction or custody of said State Prison, or shall attempt by violence to escape therefrom, every such convict so further offending, upon due conviction thereof before the Supreme Judicial Court, shall and may be punished by solitary imprisonment not exceeding one year, in addition to any former like sentence, or to precede the fulfilment of any former sentence to hard labour, as the case may be; and, at the discretion of the said Court may be further punished by confinement to hard labour, for a term not exceeding ten years, to commence after such solitary imprisonment, or after any former sentence shall be fulfilled, as the case may be.

Punishment
of Convicts
for violence.

SEC. 11. *Be it further enacted*, That the Warden of said prison, shall have power to appoint a Deputy to execute any process to him directed, which Deputy may serve and return the same accordingly, and for whose acts and doings his principal shall be answerable, but such Deputy shall be further liable to such punishment as the Deputy Sheriffs are now liable to suffer for any misconduct in executing process. And the said Warden shall not be arrested upon mesne process, or upon any execution, awarded upon judgment in any civil action.

Deputy to be
appointed.

SEC. 12. *Be it further enacted*, That the Warden aforesaid shall receive the sum of fifteen hundred dollars annually, in full compensation for all services by him rendered in that office, without any other support or maintenance whatever. And the Directors aforesaid shall each receive the sum of three hundred dollars in quarterly payments alike in full compensation for their services respectively.

Compensation for the
services of
the Warden
and Direc-
tors.

SEC. 13. *Be it further enacted*, That from and after the first day of August next, the act entitled "An act

Act repealed.

providing for the regulation of the State Prison in Charlestown," passed the fourteenth day of March in the year of our Lord one thousand eight hundred and six, be, and the same is hereby repealed; saving always, that all acts, matters and things, done under and pursuant to said act, shall remain as good and valid, and all officers, agents, and servants of the same prison, who have been appointed or employed under the same, shall remain in their respective offices and places until that time, and until others are appointed and employed in their places, in the same way and manner they would have done had not this act been repealed."

[This act passed June 21, 1811.]

CHAP. XXXIII.

An Act establishing Circuit Courts of Common Pleas within this Commonwealth.

Circuits divided.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That this Commonwealth (excepting Dukes county and the county of Nantucket,) shall be, and hereby is divided into six Circuits, to be limited, known and called as follows, to wit: the counties of Suffolk, Essex and Middlesex shall form one circuit, and be called the Middle Circuit—The counties of Worcester, Hampshire, and Berkshire shall form one circuit, and be called the Western Circuit—The counties of Norfolk, Plymouth, Bristol and Barnstable, shall form one circuit, and be called the Southern Circuit—The counties of York, Cumberland and Oxford, shall form one circuit, and be called the First Eastern Circuit—The counties of Lincoln, Kennebeck and Somerset, shall form one circuit and be called the Second Eastern Circuit—and the counties of Hancock and Washington shall form one circuit and be called the Third Eastern Circuit.

SEC. 2. *Be it further enacted,* That there shall be held and kept in each county in the several Circuits aforesaid, at such times and places as are now by law appointed for holding the Courts of Common Pleas in the several coun-

ties, a Circuit Court of Common Pleas, to consist of one Chief Justice, and two Associate Justices, each of whom shall be an inhabitant of this Commonwealth; and when appointed and commissioned, as by the constitution is provided, they, or any two of them shall be a Court in their respective Circuits, and shall have *original* and *exclusive* jurisdiction of all civil actions arising or happening within their respective Circuits, of what nature or species soever the same may be, (excepting only such actions wherein the Supreme Judicial Court, or where Justices of the Peace now have original jurisdiction;) and shall also have jurisdiction of all such offences, crimes and misdemeanors, as before the passing of this act were cognizable by the respective Courts of Common Pleas; and shall also have appellate jurisdiction of all civil actions, and of all crimes and offences where an appeal may now by law be made from the sentence or judgment of Justice of the Peace; and the same Court are hereby fully authorised to give judgment, award execution, to administer all necessary and proper oaths and affirmations, and to do, execute, perform and order whatever by the constitution and laws it shall be their duty to do, or whatever the Courts of Common Pleas before the passing of this act were authorised to do, excepting such acts, matters and things as are or may be cognizable by the Courts of Sessions: and the Justices of said Circuit Court of Common Pleas shall receive the same fees and compensation for their services, as the Justices of the Courts of Common Pleas now receive in their respective counties, and to be paid in the same manner: *Provided*, nothing in this act shall be so construed, as to affect the original or appellate jurisdiction given by law to the municipal court holden within the town of Boston.

Courts of
Common
Pleas estab-
lishment.

Jurisdiction.

Compensa-
tion of Jus-
tices.

Proviso.

SEC. 5. *Be it further enacted*, That all writs and processes, issuing from the Circuit Courts of Common Pleas, shall be in the name of the Commonwealth of Massachusetts, bear test of the Chief Justice, when not a party and one of the Associate Justices, when the Chief Justice is a party, or his office is vacant, and where any two Justices are interested in any action, the remaining Judge shall constitute a competent Court to try the same, and such writs and processes, shall be under the seal of the said Court, and signed by the Clerk of the said Court, in

Writs &c. to
be issued by
authority
and under
seal.

the county to which the writ may be returnable, and shall have force, be obeyed and executed in every county within the Commonwealth, and all original processes shall be summons, capias or attachment, and shall be served and returned in the same way and manner as is now provided by law for the service and return of similar processes; and the forms of all processes and executions shall be so far altered and changed, as to conform to the provisions of this act.

Appeal may
be made in
case.

SEC. 4. *Be it further enacted*, That any party aggrieved at the judgment of any Circuit Court of Common Pleas, in any real action, or in any personal action wherein any issue has been joined, in which the debt or damages demanded shall exceed the sum of one hundred dollars, may appeal therefrom to the next Supreme Judicial Court to be holden within and for the county where such judgment may be rendered; and the party so appealing, before such appeal be allowed, shall recognize with sufficient surety or sureties, to the adverse party in a reasonable sum to prosecute his appeal at the Court appealed to, and to pay all such costs as may arise in any such suit after such appeal; and where any such appeal shall be made by any plaintiff, and he shall not recover more than one hundred dollars at the Court appealed to, the plaintiff shall not recover any cost on such appeal, but the defendant shall be entitled to recover against the plaintiff his costs on such appeal, and shall have a separate judgment therefor, and in case such appeal was made by the defendant, and the debt or damages recovered on the original action shall not be reduced, on the appeal, the plaintiff shall be entitled to recover double costs of suit on the appeal, and have his judgment and execution accordingly, and no execution shall issue upon the judgment appealed from; and in case the party appealing shall neglect to enter his appeal, the Court appealed to may upon complaint proceed to render judgment in such action agreeably to the provisions of this act.

Further
powers of
the Court.

SEC. 5. *Be it further enacted*, That in addition to the powers herein before enumerated, the said Circuit Court of Common Pleas, shall have power at the term at which any judgment in any action (wherein said Court have final jurisdiction) is rendered, or at any subsequent term thereof, within one year from the rendition of any judgment on

petition or motion, first giving due notice thereof to the adverse party, to grant a new or further trial of any such action, for any cause for which by the common law a new trial may now be granted, or when upon due examination it shall appear to them that justice has not been done between the parties, upon such terms, restrictions and limitations, as the said Circuit Court may deem just and reasonable. And the Justices of said Court shall have power, from time to time, to make and establish all such rules for the entry of actions, and for the admission of attornies, filing pleas in abatement, and demurrers to declarations, and for the orderly and well conducting the business thereof, as they may see fit, provided the same are not repugnant to the laws of this Commonwealth.

SEC. 6. *Be it further enacted*, That the said Circuit Courts of Common Pleas shall have power to adjourn the same from time to time, as may be necessary for the public good. And when any of the Justices of the said Court shall be detained from attending at the time or place at which said Court by law or by previous adjournment was to have been held, by means whereof there cannot be more than one of the said Justices present, then, and in that case, any Justice of the same Court being there present, shall constitute a quorum of the Court, for the purpose of calling the docket, entering defaults, and determining all questions of an interlocutory nature, and also for the adjourning the same Court if necessary unto a further day, until a quorum can be convened, or if neither of the Justices of the same Court shall be present, the said Court may be adjourned by the Sheriff of the county, until a quorum can be convened, of which he shall make public notification, in writing, in the shire town of the county.

May adjourn the Court

A single Justice to constitute a quorum in case.

SEC. 7. *Be it further enacted*, That from and after the second day of December next, the Grand and Traverse Jurors now required to attend the Courts of Common Pleas in the respective counties, shall be required to attend the several Circuit Courts of Common Pleas, in the same manner, and under the same penalties that they are now holden by law to attend the several Courts of Common Pleas, and shall hereafter give their attendance on such days of each term, as shall be directed by the Justices of the said Circuit Courts of Common Pleas respectively, and the Writs of Venire Facias shall issue accordingly.

All actions,
&c. pending
may be re-
turnable to
this Court.

SEC. 8. *Be it further enacted,* That all actions, suits, matters and things, which may be pending in the several Courts of Common Pleas in this Commonwealth, on the second day of December next, and all writs, executions, warrants, recognizances and processes, returnable to, and which would have had day therein had not this act been passed, shall be returnable to, and have day in, and be fully acted upon, by the Circuit Courts of Common Pleas, created by this act—And all parties, jurors, witnesses and others, who would have been held to appear after the said second day of December next, at the several Courts of Common Pleas, then next to be holden in this Commonwealth, shall be holden to appear at the then next Circuit Court of Common Pleas, created by this act, in their respective counties. And the said Circuit Courts of Common Pleas, created by this act, shall, in the respective counties, have full power and authority to grant any executions to carry into effect any judgment rendered in the Courts of Common Pleas, now in existence, in the same manner as the said Courts might, had not this act been passed.

[This act passed June 21, 1811.]

CHAP. XXXIV.

An act to establish a Religious Society by the name of The Methodist Society in Otisfield.

Society in-
corporated.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Stevens, Simeon Libby, Richard Lombard, Joseph Morton, Thomas Edes, Peter Wardwell, Dennis Lovell, Benjamin Farrington, Samuel Wardwell, Peter Wardwell jun. widow Sarah Scribner, Thomas Wight, Jonathan Wight, Benjamin Green, Jedidiah Green, Hezekiah Green, Samuel Reed, Peter Warren, Thomas Edes jun. David Sawyer, Timothy Jordon, David Higgins, Enoch Lombard, John Lombard, Benjamin Green jun. Abraham Lombard, Jonathan Sawyer, William Rich, Samuel Sawyer, Dan Morse and John Sawyer, together with their polls and estates, and such

others as may hereafter associate with them, and their successors, according to the provisions of this act be, and they are hereby incorporated as a religious society by the name of The Methodist Society in Otisfield, with all the powers and privileges of other religious societies, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in said town of Otisfield, who may at any time hereafter actually become a member of, and unite in religious worship with the said Methodist Society, and give in his or her name to the clerk of the town, and also to the clerk of the society to which he or she belongs, and receive a certificate of admission signed by the minister or clerk of the said Methodist Society fifteen days previous to the annual meeting of said Society, which certificate shall set forth that he or she has constantly attended public worship with said Methodist Society, for at least one year previous to his receiving such certificate, such person shall from and after giving in such certificate with his or her polls and estate, be considered as a member of the said society. *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the town or society to which he or she belongs previous to that time.

Method of becoming a member.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Cumberland is hereby authorised to issue his warrant directed to some freeholder, a member of said society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant to organize the said society by the appointment of its officers.

Warrant to be issued.

[This act passed *June 21, 1811.*]

CHAP. XXXV.

An act to incorporate sundry persons by the name of The Marshfield Cotton and Wool Manufactory.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Horbart, Jonathan Stetson, Ezra Weston jun. and Chandler Sampson, with

Persons incorporated.

such other persons as already have, or hereafter may associate with them, their successors and assigns, be, and they hereby are made a corporation by the name of The Marshfield Cotton and Wool Manufactory, for the purpose of manufacturing cotton and woollen yarn and cloth within the town of Marshfield, and for such purposes shall have all the powers and privileges and be subject to all the duties and requirements contained in an act, entitled "An act defining the general powers and privileges of Manufacturing Corporations."

May hold
real estate.

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate not exceeding one hundred and fifty thousand dollars, as may be necessary for the purposes aforesaid.

[This act passed June 21, 1811.]

CHAP. XXXVI.

An Act to annex the Township numbered four in the fifth range, north of the Waldo Patent, to the county of Hancock.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the township numbered four in the fifth range of townships, north of the Waldo Patent, which lies partly in the county of Hancock, and partly in the county of Somerset, be, and hereby is declared to be wholly within the county of Hancock.

[This act passed June 21, 1811.]

CHAP. XXXVII.

An Act to alter the names of certain persons therein mentioned.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, Thomas Searle, of Rowley, in the county of Essex, son of Joseph Searle, shall be allowed to take the name of Thomas Colman Searle; that Joseph Jones, of Boston, in the county of Suffolk, shall be allowed to take the name of Charles Henry Jones; that Abraham Quincy, of Boston aforesaid, shall be allowed to take the name of Abraham Howard Quincy; that Elizabeth Mock, of Boston aforesaid, single woman, shall be allowed to take the name of Elizabeth Atlen; that William Rogers, of Boston aforesaid, shall take the name of William Charles Rogers; that John King jun. of Salem, in the county of Essex, shall be allowed to take the name of John Glen King; that John Harris jun. of Marblehead, in said county of Essex, shall be allowed to take the name of John Lord Harris; that Moses Atkinson, of Newbury, in said county of Essex, shall be allowed to take the name of Moses Little Atkinson; that Moses Moody Swan, of Haverhill, in said county of Essex, shall be allowed to take the name of Moses Swan Moody; that Levi Whitmore, of Framingham, in the county of Middlesex, shall be allowed to take the name of Levi Foster Whitmore; that Samuel B. Harris, of Charlestown, in said county, shall be allowed to take the name of Samuel Harris Bradstreet; that Batchellor Hussey, of Portland, in the county of Cumberland, shall be allowed to take the name of Henry Hussey; that Simeon Alden jun. of Randolph, in the county of Norfolk, shall be allowed to take the name of Horatio Bingly Alden; that Marilla Gurney, of the town of Abington, in the county of Plymouth, shall be allowed to take the name of Marilla Livingston Gurney; that Samuel Barnard, of Boston aforesaid, shall be allowed to take the name of George Edward Augustus Carpenter Barnard.

And each of the persons before named shall be allowed to assume the said names respectively, and they shall in future be called and known by the said names, and the said names shall hereafter be considered as their only proper names, to all intents and purposes.

[This act passed *June 21, 1811.*]

CHAP. XXXVIII.

An Act to incorporate certain persons for the purpose of building a bridge over Connecticut river, between the towns of Sunderland and Deerfield, in the county of Hampshire.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Eliakim Arms, Elijah Arms, Samuel Church, Abner Cooly, William Delano, Cotton Graves, Erastus Graves, Giles Hubbard jun. Moses Leonard, Calvin Merrill, John Montague, William Montague, Daniel Montague jun. John Russell, Nathaniel Smith, Horace W. Taft, and John Wiley, together with such others as have, or may hereafter associate with them and their successors, be, and they are hereby made and declared to be a corporation and body politic, by the name of The Proprietors of the Sunderland Bridge, and by that name may sue and be sued to final judgment and execution, and shall do and suffer, all other things, which similar corporations may or ought to do and suffer.

SEC. 2. *Be it further enacted*, That the proprietors aforementioned be, and they are hereby authorised to build a bridge over Connecticut river between the towns of Deerfield and Sunderland, at or near Morris' ferry, and the said bridge shall be faithfully built with sound and durable materials, at least twenty-eight feet wide, and covered with planks, and have a sufficient railway on each side of the bridge for the safety of passengers, and the said bridge shall at all times be kept in safe, convenient, and passable repair.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted to the proprietors, to reimburse them for their expenses in building said bridge, and for supporting the

Persons in-
corporated.

Empowered
to build a
bridge.

Toll estab-
lished.

same, viz.—For each foot passenger, three cents ; for each horse and rider, seven cents ; for each horse and chaise, chair, or sulkey, sixteen cents ; for each coach, chariot, Phaeton, or other four wheeled carriage for passengers, thirty-three cents ; for each curricule, twenty-five cents ; for each sleigh drawn by one horse, ten cents ; and if drawn by more than one horse, twelve and an half cents ; for each cart, sled, or other carriage of burthen drawn by one beast, ten cents ; if drawn by two beasts, sixteen cents ; and if drawn by more than two beasts, twenty cents ; for each horse without a rider, and for neat cattle, three cents each ; and for sheep and swine, one cent each ; and one person and no more shall be allowed to each team as a driver to pass free of toll, and all persons who shall have occasion to pass said bridge to perform military duty, or to attend public worship on the Lord's day, shall pass free of toll ; and the toll shall commence on the day of the first opening of said bridge, and shall continue for the term of seventy years, and at the place where the toll shall be received, there shall be erected and constantly exposed to view, a sign-board with the rates of toll fairly and legibly written or printed thereon, in large or capital letters, and the said corporation at the time of opening said bridge shall cause a true and just account of the expenses thereof, to be returned into the office of the Secretary of this Commonwealth, and after fifteen years from the opening said bridge, the General Court may regulate the rates of toll receivable thereat : *Provided however*, That if the said proprietors shall neglect for the space of six years from the passing of this act, to build and finish the said bridge, then this act to be void and of no effect.

Exemptions
from toll.

SEC. 4. *Be it further enacted*, That any three of the persons aforementioned may warn and call a meeting of the proprietors, to be holden at any convenient time and place, by publishing the same three weeks successively in the Hampshire Gazette, published in Northampton, the last publication to be six days at least before the time of such meeting, and the said proprietors by a vote of the majority of those present, or represented at said meeting, shall appoint a clerk who shall be sworn to the faithful discharge of said office, and in voting for the said clerk, and in all other cases, one vote only shall be allowed to each single share : *Provided however*, That no one proprietor shall be allowed

Method of
calling a
meeting.

more than twenty votes, and at the said first meeting the proprietors may also agree on a method of calling future meetings, and at the same, or some subsequent meeting or meetings, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary or convenient for the regulation and government of the said corporation, and for carrying into effect the purposes aforesaid, and for collecting the toll herein granted, and may annex penalties to the breach of any by-laws, not exceeding five dollars; and all representations at said meetings shall be filed with the clerk of the said corporation, and this act, and all rules, regulations, and proceedings shall be fairly and truly recorded by the said clerk in a book or books to be provided and kept for that purpose.

Proprietors
to establish
by-laws.

[This act passed June 21, 1811.]

CHAP. XXXIX.

An Act to establish The First Baptist Society in the town of Woburn.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That George Washington Reed, Samuel Bryant, Jacob Eames 2d. Jacob Buckman, Jonathan Convers, Jacob Wright, John Fowle, Lille Eaton, Elijah Leathe, Benjamin Wood, Abel Richardson 3d. John Edgell, Abel Richardson, John Fowle 2d. Ebenezer Reed, Ebenezer Reed 2d. James Waide, Jacob Leathe, Jesse R. Fowle, Daniel Hadley, Thomas Eaton, Ezra Kimball, Joshua Reed, Zadock Wyman 2d. Hiram Thompson, Elijah Leathe 2d. Isaac Wood, Benjamin Fowle, Jacob Richardson, John Cummins, Jacob Richardson 2d. Isaac Merrion, Jonathan W. Fowle, Rachel Reed, Rebecca Tottingham, William Emmerson, Samuel West, John Waide, Ichabod Parker, William Young, William Young 2d. Josiah Convers, Luther Convers, Thomas Pool, Ruth Eaton, Phebe Eaton, Lot Eaton, Keziah Thompson, Elijah Wyman, Jethro Richardson, Samuel T. Richardson, Josiah Richardson, Samuel Evans, Micajah Lock, Samuel Tidd, Joseph H. Beers, Nathaniel

Society in-
corporated.

Waide, Joseph H. Beers 2d, John B. Beers, Job Richardson, Edward Richardson 2d. Charles Richardson, Reuben Richardson, Jesse Convers, Sarah Evans, John Tidd, Joshua Convers, William Wood, Hepsebah Convers, Hiram Flagg, Benjamin Edgell, Abel Winn, Jerry Winn, Samuel E. Wyman, Eleazer F. Pool, Thomas Dean, Nathan Peirce, Joseph Winn, Abraham Skinner, Sylvanus Wood, Josiah Lock, Asa Lock, Robert Wood, George Richardson, Hosea Evans, and Matthew Skillton, together with all such others as may hereafter associate with them, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of The First Baptist Society in Woburn, with all the powers, privileges and immunities which parishes are entitled to, by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in either of the said towns of Woburn or Burlington, or any other town, who may at any time hereafter join with and actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the clerk of the town or parish to which he or she may belong, and produce a certificate, signed by the minister or clerk of the said Baptist society, that such person has actually become a member of said Baptist society, fourteen days previous to the town or parish meeting to be held in the month of March annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Baptist society. *Provided however*, That all such persons shall be held to pay his or her proportion of all monies voted or assessed in the town or parish to which he or she formerly belonged, within one year previous to their leaving the same.

Method of becoming members.

SEC. 3. *Be it further enacted*, That whenever any member of said Baptist society shall see cause to leave the same, and unite with any other religious society in the town in which he or she may reside, and shall declare such intention in writing, and deliver the same to the minister or clerk of said Baptist society, and also leave a copy of the same with the clerk of the town in which he or she may reside, and also with the clerk of the parish in said town to which he or she may intend to be united, fourteen days at least before the town or parish meeting to be held

Manner of leaving.

in the month of March annually, shall from and after the date of such certificate, with his or her polls and estates, be considered as belonging to the town or parish in which he or she may intend to be united in the same manner as if he or she had never belonged to said Baptist society. *Provided however*, That all such persons shall be held to pay their proportion of all monies voted or assessed in the said Baptist society, within one year previous to their leaving the same.

Warrant to
be issued.

SEC. 4. *Be it further enacted*, That Bill Russell Esq. is hereby authorised to issue his warrant directed to some principal member of said Baptist society, requiring him to notify and warn the members thereof to meet at such time and place, as shall be appointed in said warrant, to choose all such officers and transact all such business as parishes in this Commonwealth are by law authorised to do in the month of March or April annually.

[This act passed June 21, 1811.]

CHAP. XL.

An Act regulating the collection of taxes in the town of Newburyport, and providing for the appointment of Constables in the said town.

Selectmen to
appoint Con-
stables.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen of the town of Newburyport, be, and they hereby are empowered to appoint annually such a number of persons as Constables, in said town, as the public service may require, and the said Constables so appointed, shall be sworn to the faithful discharge of the duties of said office, by any one of the said Selectmen who shall enter the same on their records, and the said Constables shall also give bonds to the Treasurer of the said town of Newburyport in such sums, and on such conditions, as the said Selectmen shall think proper for the faithful performance of the duties of their office; and the Constables so appointed by the said Selectmen shall have the same powers as are by law vested in Constables chosen by the towns in this Commonwealth.

SEC. 2. *Be it further enacted*, That the Treasurer of the town of Newburyport shall be the collector of the state, county, and town taxes in said town, and shall be, and hereby is empowered to substitute and appoint under him such, and so many deputies or assistants as the service may be found to require, who shall give bonds to the said Treasurer in his said capacity for the faithful discharge of their duty, in such sums and with such sureties as the Selectmen of said town may think proper. And the said collector and his deputy or deputies shall have the same powers as are vested by law in the collector of taxes, chosen by other towns in this Commonwealth; and the said Treasurer and his deputy or deputies may by a vote of the said town for such purpose, collect all such taxes as may be outstanding and uncollected at the time of the passing of this act, or at the time of his being chosen to the office of Treasurer, he and his deputy or deputies first giving bonds for the faithful discharge of their duty in such sums and with such sureties, as the Selectmen of said town shall think proper.

Treasurer to
be Collector
with power
to appoint
Deputies.

SEC. 3. *Be it further enacted*, That the said Treasurer may issue his warrants to his deputy or deputies for the collecting and gathering in of such parts of the rates or assessments as in his discretion he shall think proper to commit to such deputy or deputies, which warrant shall be in the same tenor with the warrant prescribed to be issued by the Selectmen or assessors for the collecting or gathering in of the state or town rates or assessments, *mutatis mutandis*.

to issue
Warrants to
Deputies.

SEC. 4. *Be it further enacted*, That the Treasurer and Collector of the said town of Newburyport, be, and he is hereby authorised to issue his warrant to the Sheriff of the county of Essex, his deputy, or to any constable of the said town of Newburyport, directing them to distrain the property of any person or persons who may be delinquent in the payment of taxes after the time has expired, that is or may be fixed for payment by any vote of said town, which warrants shall be of the same tenor with the warrant prescribed to be issued by the Selectmen or Assessors for the collecting or gathering in of the state rates or assessments *mutatis mutandis*, and the said officers shall make a return of their warrants with their doings thereon, to the said Treasurer and Collector within thirty days from the

and War-
rant of dis-
tress.

Proviso.

date thereof. *Provided however,* That nothing in this act shall prevent the said Treasurer and Collector, whenever there may be a probability of losing a tax, from distraining the property or person of any individual before the expiration of the time fixed by the vote of said town.

Duty of officers in executing Warrants.

SEC. 5. *Be it further enacted,* That it shall be the duty of said officers, to execute all warrants they may receive from said Treasurer and Collector, and pursue the same process in distraining the persons or property of delinquents, as collectors are now by law authorised to do and perform, and for collecting the sum of money due on said warrants, to receive the same fees that are allowed by law for levying executions in personal actions: *Provided however,* That before said officers shall serve any warrant, they shall deliver to the delinquent, or leave at his or her usual place of abode, a summons from said Treasurer and Collector, stating the sum due, and that unless the same is paid in ten days from the time of leaving said summons, into the treasury of said town, with twenty cents for said summons, his or her property will be distrained according to law.

Proviso.

SEC. 6. *Be it further enacted,* That the Constables of said town of Newburyport, in addition to the usual condition of their bonds, shall also be bound to the faithful execution of all warrants committed to them by the Treasurer and Collector of said town.

Bonds.

[This act passed June 21, 1811.]

CHAP. XLI.

An Act to incorporate a number of the inhabitants of the towns of Medfield, Dedham and Wrentham, in the county of Norfolk, as a Religious Society, by the name of The First Baptist Society in Medfield.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Eleazer Allen, Joseph Baker, Obed Baker, Eliphalet Baker, David Baker, Abijah Blake, Samuel Blake, William Boyden, Silas Boyden, Edward Buckmaster, Abijah Colburn, Benjamin Colburn,

Isaac Colburn jun. Jonathan Colburn, Phineas Colburn, Eliphalet Colburn, Ellis Colburn, George Colburn, Thatcher Colburn, Joseph Cutler, Joseph Draper, Daniel Draper, Daniel Draper jun. Joseph Ellis 2d. Abijah Fisher, Asa Fisher, Benjamin French, Benjamin French jun. Abraham Harding, Andrew Lewis, Abner Mason, William Mason jun. Eliakim Morse, Samuel Needham, John Needham, Elihu Onion, Oliver Partridge, Eleazer Perry, James Potter, Jason Richardson, Jason Richardson jun. Ariel Sayles, Elisha Sayles, Abijah Smith, Asa Smith, Billings Tisdale and Moses Wadsworth, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of The First Baptist Society in Medfield, with all the powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth: *Provided* Proviso. *however,* That the persons aforementioned shall be holden to pay their proportion of all monies granted and assessed before the first day of March last past, and not after in the several towns or parishes to which they severally belonged, previous to the passing of this act.

SEC. 2. *Be it further enacted,* That any person belonging to either of the towns aforesaid, who may be desirous to join with the said Baptist society, shall declare such intention in writing to the elder, clerk, or committee of the said society fifteen days at least previous to the annual meeting of the said society, and if such person do receive and can produce a certificate of membership signed by the elder, clerk, or committee aforesaid, that he or she has actually become a member of said Baptist society in Medfield, such person from the date of such certificate with his or her polls and estate, shall be considered a member of said society: *Provided however,* That every person so joining with the said Baptist society, shall give like notice of his intention to the minister, clerk, or committee of the society from which he doth secede. Method of becoming members.

SEC. 3. *Be it further enacted,* That if any member of the said Baptist society, see cause to leave the same and to unite with any other religious society in the town in which such person may live, he or she shall give notice of such intention to the elder, clerk, or committee of the said Baptist society, and also to the minister, clerk, or com- Manner of leaving.

Proviso.

mittee of such other society fifteen days at least before the annual meeting thereof, and if such person doth receive and can produce a certificate of admission signed by the minister, clerk, or committee of such other society, such person from the date of said certificate, with his or her polls and estates, shall be considered a member of such other society. *Provided however*, That in every case of secession from one society and joining another, in the manner provided for by this act, every such person shall be holden to pay his or her proportion of all pecuniary assessments, or other charges and expenses assessed and not paid prior to such secession, and the said certificates in either case given and received as aforesaid, shall operate to exempt such person from taxation for the support of public worship in any other society.

Warrant to
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Norfolk is hereby authorised to issue a warrant, directed to a member of the said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as parishes and religious societies are empowered to choose at their annual parish or society meetings.

[This act passed June 19, 1811.]

CHAP. XLII.

An Act to establish The Methodist Episcopal Society of Lenox.

Society in-
corporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Gamaliel B. Whiting, William Whiting, Amos Benton, Josiah G. Barker, William F. Swift, William S. Smith, John S. Smith, James Smith, Enoch Johnson, Erastus Benton, Simeon Calkins, Jethro Butler, Salmon Andrews, Jethro Butler jun. Joshua W. Cobb, Zebadiah Hyde, Andrew Hyde 3d. Selah Cook, Jesse Root, Orriange Judd, Seth N. Judd, Daniel Dunbar, Solomon Bodfish, Oliver Stedman, John Bennett, Sion Turner, James Newbury, William Ross jun. Silvanus

Hullet, Samuel Hullet, William Dunham, Levi Goodrich, Horace Whiting, Jeremiah Bulmore, James Smith jun. Selah Andrews, Walter Cook, and Oren Stephens, members of the said religious society, with their families and estates, be, and they are hereby incorporated by the name of The Methodist Episcopal Society of Lenox, with such others as may hereafter associate and join with them, with all the privileges and immunities to which parishes are entitled by the constitution and laws of this Commonwealth: *Provided however*, That all such persons shall be holden to pay their proportion of all monies assessed for parochial purposes in the town or parish, to which they respectively belonged previous to the passing of this act.

Proviso.

SEC. 2. *And be it further enacted*, That Azariah Egleston Esq. be, and he is hereby authorised to issue a warrant directed to some suitable member of said Methodist society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law empowered to choose in the month of March or April annually.

Justice to
issue war-
rant,

[This act passed June 22, 1811.]

CHAP. XLIII.

An Act to incorporate a number of persons by the name of The Buxton Proprietors of Canals, Locks, and Slips, on Saco River.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Judah Dana, John Goode-now jun. John Gording, Joseph Howard, Henry Howard, Isaac Lane, John M'Millan, Richard Odell, John Spring, Thomas Spring, James Steel, Ellis Busher, Joseph Woodman, and Edmund Woodman, with their associates and successors, be, and they are hereby made and declared to be a corporation by the name of The Buxton Proprietors of Canals, Locks, and Slips, on Saco River, and by that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution, and shall have all other

Persons in-
corporated.

powers, incident to, and usually exercised and enjoyed by other corporations, established for the like purposes.

SEC. 2. Be it further enacted, That the said corporation shall have power and authority to construct, build, cut, and make canals, locks, and slips, on Saco river, by and from the Great falls (so called) on said river, in Hiram, to the Steep falls; and from thence to the Ossapee falls, and from thence to the Bona Eagle falls, and from thence to, and by Moderation falls, and from thence in the most convenient ground between said Moderation falls and Salmon falls, to form a communication with the waters which run from the place last mentioned, through a part of Buxton, Scarboro' and Falmouth, to those of Stroudwater.

SEC. 3. Be it further enacted, That in prosecuting and completing the said canal, no person shall be injured by the digging and cutting the said canal through his land, or by removing mills or mill dams, diverting water courses, or flowing his land by the proprietors aforesaid, without receiving full and adequate compensation therefor. And in all cases where any person shall suffer loss or damage in his property by the said proprietors, in the manner above mentioned, or in any other way, and the said proprietors do not, within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of Common Pleas, for the county in which the damage has happened, to have a committee appointed by said Court, to estimate the damage so done; and the said Court are hereby authorised and empowered, by warrant, under the seal thereof, if application be made within one year from the time of the damage being done as aforesaid, to appoint a committee of five disinterested freeholders in the same county, to estimate the damage; which committee shall give seasonable notice to the persons interested, and to the clerk of the proprietors aforesaid, of the time and place of their meeting, and they shall be under oath to judge and award impartially, according to their best skill and judgment, which having done, they or the major part of them, shall make return thereof, under their hands and seals, to the next Court of Common Pleas, to be holden in said county, to the end that the same may be accepted, allowed, and

Empowered
to make ca-
nals, &c.

Compensa-
tion to be
made for in-
dividual in-
jury.

Court to ap-
point refer-
ees to esti-
mate da-
mage.

recorded, and the said committee so empowered, are required to estimate the said damage, and make return thereof as aforesaid, and if the estimate and award of the said committee be accepted by the Court, then the clerk of the Court is hereby authorised and directed, on application therefor, to issue an execution against the property only of the corporation, or in want thereof, on the property of any individual belonging thereto, for the sum thus awarded in damages.

SEC. 4. *Be it further enacted*, That the said corporation be, and they hereby are empowered to purchase and hold to them and their successors forever, so much land and real estate as may be necessary to the purposes of the said canal, not exceeding the value of fifty thousand dollars. And if the said proprietors shall refuse or neglect, for the term of ten years from the passing of this act, to complete the said canal, then this act shall be void and of no effect. May hold real estate.

SEC. 5. *Be it further enacted*, That if any person or persons shall designedly and maliciously break up, remove, beat down, destroy, dig under, or do any other injury to the said canal, its banks, locks, dams, slips, or any other part or appurtenance thereof, or shall damage, carry away, or set on float to be carried away, any boards, plank, joist, post, or other timber or lumber, or materials used, or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall for every such offence forfeit and pay to the corporation aforesaid, treble such damages, as the said corporation shall make appear to the Justice, or Court and Jury before whom the trial may be, that they have suffered, by means of the same trespasses, to be sued for and recovered in any Court proper to try the same. Penalty in case of wilful injury.

SEC. 6. *Be it further enacted*, That for reimbursing to the said corporation, their expenses in making the said canal, and for keeping the same in repair, a toll shall be, and hereby is granted and established, for the sole benefit of the said corporation, according to the rates following, viz. For every ton weight that shall be transported in boats or other vessels through the said canal, the sum of six cents for each mile; for all masts, timber, and lumber, floated on a raft or otherwise through the said canal, six cents a ton for each mile, and the said toll shall commence Toll established.

when the said canal, or any section thereof between two locks or slips, shall be completed.

Toll gather-
ers to be ap-
pointed.

SEC. 7. *Be it further enacted*, That the said corporation shall appoint toll gatherers, and such other necessary assistants as they see cause, for to attend at each lock, and at other convenient and necessary stations on the said canal, who shall give constant attendance at their respective posts, during the whole of the season for boats and rafts to pass; and on the toll being paid shall assist the passengers, with their property, to pass the said locks and canal. *Provided however*, That when forty years from the first opening the said canal are expired, the Legislature shall thereafter regulate the toll, and the same shall be collected in such manner as the Legislature may then order and provide by law.

Shares of
delinquents
may be sold.

SEC. 8. *Be it further enacted*, That the said corporation shall have full power and authority to sell and dispose of the share or shares of any proprietor, who, according to the regulations which may be made and adopted by the said corporation, shall be delinquent in the payment of any assessment that may be made on said share or shares, according to such rules as shall be established by said corporation for the sale of the shares of delinquents. And the share or shares of each proprietor in said corporation shall be liable to be attached on mesne process, and to be levied upon and sold on execution, in the way and manner provided in and by a certain act passed the eighth day of March in the year of our Lord one thousand eight hundred and five, entitled, "An act directing the mode of attaching on mesne process, and selling by execution shares of debtors in incorporated companies."

Justice au-
thorised to
issue war-
rant.

SEC. 9. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, is hereby authorised upon application by any three of the said associates or proprietors, to grant a warrant directed to one of the said proprietors to call a meeting of his associates, to meet at such time and place, as shall be therein appointed, to organize the said corporation by the appointment of its officers. And the said corporation being thus organized, may then and there agree on and establish some mode of calling and notifying future meetings; and may also adopt and fix such other rules and regulations for their government, and the prosperous management of their affairs, as

they may think proper. And every proprietor shall have a right to vote in the proprietary meetings, according to his share and interest, in person or by representation: *Provided*, no one proprietor shall be allowed more than Proviso. ten votes; and all representations shall be made in writing, signed by the person making the same, by special appointment, which shall be filed with, and recorded by the said clerk; and this act, and all rules, regulations, votes and doings of the said corporation, shall be fairly and truly recorded by the said clerk, in a book or books, for that purpose to be provided and kept.

[This act passed *June 22, 1811.*]

CHAP. XLIV.

An Act to establish The Winthrop Copperas Factory Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Gorham, Isaac P. Davis, Samuel Sumner Wilde, John L. Sullivan, William Mead, and Richard Sullivan, together with such other persons Persons in- as may hereafter associate with them, their successors and corporated. assigns, be, and they hereby are made and constituted a body corporate and politic, by the name of The Winthrop Copperas Factory Company, for the purpose of manufacturing copperas in the town of Winthrop, and county of Kennebeck, and for the purpose aforesaid shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in the act, entitled "An act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

SEC. 2. *Be it further enacted,* That the said corporation shall and may lawfully hold and possess real May hold estate not exceeding thirty thousand dollars, and personal estate. estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the aforesaid manufacture of copperas.

[This act passed *June 22, 1811.*]

CHAP. XLV.

An Act to annex Samuel Wentworth and others, to the North Parish in Berwick.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Wentworth, Henry Ricker, and Stephen Ricker, with their families, polls, and estates, lying in the town of Berwick, in the south parish in said town, be and hereby are set off from the said south parish, and annexed to the north parish in said town, and shall forever hereafter be considered as belonging thereto, enjoying all parish privileges and to pay parish charges, which may arise within the same. *Provided nevertheless,* That they be holden to pay all such taxes, that may be now due from them or their estates, to the south parish, in the same manner as though this act had not passed.
[This act passed *June 22, 1811.*]

CHAP. XLVI.

An Act to establish The First Baptist Society in Carver, in the county of Plymouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Benjamin Shurtliff, Flavel Shurtliff, Lot Shurtliff, Ebenezer Shurtliff, Gideon Shurtliff, Abiel Shurtliff, Gideon Shurtliff jun. Francis Shurtliff, Nathaniel Shurtliff, Nathaniel Shurtliff 2d. Peter Shurtliff, Thomas Shurtliff, William Atwood, Asaph Atwood, Jonathan Atwood, Joseph Atwood, Lazarus Atwood, Samuel Atwood, Samuel Atwood jun. Stephen Atwood, Levi Atwood, Caleb Atwood, Aber Atwood, John Atwood, John Atwood jun. Joshua Atwood, Nathaniel Atwood, William Atwood 2d. Samuel Shaw, John Shaw, Silvanus Shaw, Silvanus Shaw jun. Levi Shaw, Abigail Shaw, Benjamin Ward, Benjamin Ward jun.

Samuel Lucas, Carver Barrows, Seth Barrows, Ephraim Griffith, Huit M'Farlain, Bethuel Tilson, David Vaughan, Joseph Ellis jun. Ellis Shaw, Joseph Robbins, Eli Thomas, Benjamin White, William Murdock, Ebenezer Dunham, Jabez Maxam, Jabez Maxam jun. Thomas Maxam, John Bumpus, Isaac Cushman, Hosea Lucas, Cornelius Dunham, Calvin Lucas, John Appling, Lewis Pratt, and Swansey Hart, of said Carver, and John Shaw, Ephraim Ward, Gideon Perkins, and Nathaniel Shurtliff, of Middleborough, in the county of Plymouth, with their polls and estates, be, and they hereby are incorporated, by the name of The First Baptist Society in Carver, with all the privileges, powers and immunities, and subject to all the duties which parishes in this Commonwealth by law enjoy and perform.

SEC. 2. *Be it further enacted*, That any person in said towns of Carver or Middleborough, or of the town of Plymouth, in the county of Plymouth, who may at any time hereafter, actually become a member of, and unite in religious worship with said Baptist society, and shall give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate, signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving in such certificate, with his or her polls and estates, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all the monies assessed or voted in the parish to which he or she belonged, previous to that time.

Method of becoming a member.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship, with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, signed by the minister or clerk of the parish, or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual

Manner of leaving.

June 22, 1811.

meeting in March or April, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of said society to which he or she may so unite.

Warrant to
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, in the town of Carver, be, and he is hereby authorised and empowered to issue his warrant directed to some suitable member of said society, to meet at such time and place, as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 22, 1811.]

CHAP. XLVII.

An Act to repeal part of an act, entitled, "An act regulating the Collection of Taxes in the town of Boston, and providing for the appointment of Constables in the said town."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the fourth section of the act, passed the eighteenth of June, one thousand eight hundred and two, entitled, "An act regulating the collection of taxes in the town of Boston, and providing for the appointment of Constables in the said town," which allows a discount on the payment of taxes within certain periods, be, and the same is hereby repealed.

[This act passed June 22, 1811.]

CHAP. XLVIII.

An Act to direct the Assessment and Collection of Taxes in the Second Religious Society or Parish in the town of Biddeford.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That it shall, and may be lawful for the assessors of the Second Parish or Religious Society in Biddeford, for the time being, who shall be duly sworn to the faithful discharge of their trust, and they are hereby empowered to assess the several pews in the meeting-house of the said second parish, and their several parts and proportions according to the just value the said assessors shall set the said pews at, of all such sums of money as the said parish shall vote to raise, and appropriate for the purpose of raising such sum or sums of money as may have been expended by said parish in the erection of said meeting house, and which have not been paid, and in case at any future period the said house shall want repairs, the assessors for the time being may assess all the pews in manner aforesaid, such sums of money for the repairs thereof as the said parish shall vote to be raised for that purpose, and the assessment thus made shall be committed to the collector of said parish with directions to collect and pay the same to the treasurer of said parish in ninety days after said assessment shall be committed to him.

SEC. 2. *And be it further enacted,* That the parish treasurer shall keep an account separate and distinct from other parish money, of the sums thus received, and the manner in which they are expended, and shall have the same power to enforce the payment of the sums of money from the said collector as is by law provided for collecting other parish taxes.

SEC. 3. *And be it further enacted,* That if the owner or proprietor of a pew or pews, or of a part or proportion of any pew or pews in said house, shall refuse or neglect to pay the sum assessed thereon as aforesaid, for the space of thirty days after notice of the assessment shall have been posted up in the porch of the said meeting-house, it shall

Assessors
empowered

Treasurer's
duty and
power.

Pews of delinquents
may be sold.

be lawful for the collector to sell the said pews at public vendue to the highest bidder, first giving fifteen days notice of the time and place of sale, by posting up notifications thereof in the porch of the said meeting-house, and the overplus besides the taxes and necessary charges of notifying and selling, he shall pay over to the owner or proprietor in ten days after the sale.

SEC. 4. *And be it further enacted*, That the mode of transferring pews sold as aforesaid, shall be by deed executed by the collector; *Provided always*, that if the former owner or proprietor of a pew thus sold and transferred, shall within one year from the time of sale as aforesaid tender and pay to the purchaser, or to his assignee in case of assignment, the full sum said pew sold for, and charges with the addition of ten per cent. it shall be the duty of the purchaser or assignee to reconvey the same by deed, and upon his refusing thus to do, said proprietor may have the like remedy for obtaining the title and possession of the same pew, as mortgagers of real estate now have in the Courts of this Commonwealth.

Right of redemption.

[This act passed June 22, 1811.]

CHAP. XLIX.

An Act limiting the period during which any person shall be eligible to the office of County Treasurer.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing this act, no person shall be eligible to the office of county treasurer for more than five years successively, and no county treasurer now in office shall be eligible for more than five years successively, computing from the date of his last election, prior to the passing of this act.

[This act passed June 22, 1811.]

CHAP. L.

An Act in addition to an act, entitled, "An act for incorporating certain persons for the purpose of laying out and making a Turnpike Road from Newburyport to Chelsea Bridge."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of Newburyport Turnpike be, and they hereby are authorised and empowered from time to time to convey, sell, and dispose of, or to exchange in fee simple or otherwise as they shall think fit, any part of the real estate which they have already purchased, or shall hereafter purchase, by any deed or deeds made and duly executed either by their president and directors, or the major part of them, under the seal of said corporation, or by any agent or agents by the said corporation appointed under their seals, provided they shall have been respectively authorised by a vote of said corporation, to make such conveyance, sale, deposition or exchange thereof.

Proprietors
empowered
to convey.

[This act passed *June 22, 1811.*]

CHAP. LI.

An Act to annex James Parmele and others to the incorporated Baptist Society, in the town of West Stockbridge.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Parmele, Ezra Hubbel, Eli Hubbel, Chauncey Root, Otis O. Robbins, John French, Christopher French jun. Samuel Ives, James Cobb, Robert Perry, John Millen, Joel Millen, John Burgharett, Jehuda Stephens, Samuel Dunbar, Abraham Tobey, Abijah Smith, Nathaniel Lockwood, Sylvester Hooper, John C. Deming, Gilbert Wilson, Augustine

Society in-
corporated.

Spencer, Jare Bendict, Brainard Spencer, and Eli Barnes, together with their polls and estates, all belonging to the towns of West Stockbridge, Stockbridge, and Great Barrington, in the county of Berkshire, be, and they hereby are annexed to, and incorporated with the First Baptist Society, in the town of West Stockbridge, for parochial purposes only, and in that connection shall be entitled to all the privileges, and equally subject to all the duties of other members of the said society in as ample a manner as if they had been originally members thereof : *Provided however*, That each of the persons aforementioned, shall always be held to pay their proportion of all parish, town, or society charges, assessed, and not paid previous to their leaving any other society, and their incorporation with the society aforesaid.

[This act passed *June 22, 1811.*]

CHAP. LII.

An Act in addition to "An act to incorporate the Town of Randolph."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That so much of the third section of the act to which this is in addition, as is supposed to annex to, and subject to taxation in the town of Braintree, the estates which heretofore belonged to Samuel Cheesman, deceased, and Levi Thayer, who were remonstrants against the incorporation of the town of Randolph, be, and the same is hereby repealed.

[This act passed *June 22, 1811.*]

CHAP. LIII.

An Act to establish a Baptist Society in Gloucester, in the county of Essex.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Smith, Seth Woodbury, Benjamin Hale, James Appleton, Matthew Whipple, William Kennedy, Thomas Millet jun. Joseph Putnam, John Smith jun. Joseph Fears, Samuel A. Gale, Elijah Foster jun. William Dexter, Jesse Wilson, Ephraim Davis jun. John L. Witham, Jonathan Medley, James Laha, George Wood, Benjamin Parsons, Pliny Davison, Thomas Lee, William Woodbury, Ebenezer Pool, William Smith jun. Solomon Pool jun. Jonathan Pool jun. Jonathan Pool, Francis Hilton, Nehemiah Grover, John Grover, Josiah Pool, Ebenezer Pool 3d. Henry Blatchford, Thomas Parsons jun. Ebenezer Gamage, Paul Morgan, William Morgan, Ebenezer Clark, Ebenezer Rowe 3d. Moses E. Colby, William Smith, Ebenezer Dresser, William Parkhurst, David Stanwood, Benjamin Dodge, Daniel Ober, Joseph Trask, John Ryerson, Samuel French, Benjamin Hoig, Daniel Douglass, John Douglass, Charles Wonson, Edward Gearing, Abraham Tarr, Moses Parsons, Charles G. Martin, Samuel Day, Isaac Fears, John Edgar, Samuel Parsons, James Rowe, Samuel B. Thomas, Nathaniel Blatchford, Ezekiel Adams, Isaac Low, Joseph Smith, Ezekiel Bradstreet, Samuel G. Gamage, John Pool jun. Robert Hooper, Caleb Herrick, Henry Clark jun. John Clark, Aaron Sargent, Ebenezer Tarr, Daniel Allen, Zebulon Witham, Nathan F. Morgan, Elizabeth Dexter, Daniel Bradford, and Elijah Foster, with their polls and estates, be, and they are hereby incorporated by the name of the Baptist Society in Gloucester, with all the privileges, powers, and immunities which parishes in this Commonwealth by law enjoy.

SEC. 2. *Be it further enacted*, That any person in said town of Gloucester, who may at any time hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name

Society in-
corporated.

Method of
becoming a
member.

to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving in such certificate, with his or her polls and estate, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all the monies assessed or voted in the parish to which he or she belonged previous to that time.

Manner of
leaving.

SEC. 3. *Be it further enacted,* That when any member of said society shall see cause to leave the same and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, with a certificate signed by the minister or clerk of the parish or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate with his or her polls and estate, be considered as a member of said society to which he or she may so unite.

Warrant to
be issued.

SEC. 4. *Be it further enacted,* That any Justice of the Peace in the town of Gloucester be, and he hereby is authorised and empowered to issue his warrant directed to some suitable member of said society, to meet at such time and place as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 22, 1811.]

CHAP. LIV.

An Act to enable the administrator on the estate of Samuel Bartlett, late of Newburyport, mariner, deceased, to convey certain Real Estate of the said Samuel.

WHEREAS on the petition of Benjamin Norton of Newburyport, in the county of Essex and Commonwealth of Massachusetts, sail-maker, it is made to appear that on the sixteenth day of March, in the year of our Lord eighteen hundred and nine, he the said Benjamin, by his deed of quitclaim of the same date, duly executed, did convey to the said Samuel, then living, certain real estate in and by said deed particularly described, that though said conveyance was absolute and unconditional, yet in fact it was intended only as security for payment of certain sums of money before that time hired of said Samuel by said Benjamin, and it was the mutual agreement of the said parties, that on payment of said several sums of money and interest by said Benjamin to said Samuel, he the said Samuel would reconvey the said premises to the said Benjamin, that after the conveyance of the said premises as aforesaid, and before the death of the said Samuel, the said Benjamin paid the said Samuel a considerable part of said money, and whereas by the death of said Samuel, the said Benjamin cannot obtain a reconveyance of said premises on payment of the balance due from him to said Samuel, nor has he legal remedy for the money paid to said Samuel in his lifetime. Therefore,

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the administrator on the estate of the said Samuel, be, and he is hereby authorised and empowered to make and execute to said Benjamin, or to his legal heirs or representatives, a good and sufficient deed of quitclaim of the same premises so conveyed by said Benjamin to said Samuel as aforesaid; Provided, the said Benjamin shall first, and on or before the first day of January next, have paid to the administrator on the estate of the said Samuel, the full balance of money and

Preamble.

Administrator authorised and empowered.

Proviso.

interest due from the said Benjamin to the estate of the said Samuel; *And provided also*, that no conveyance of the same premises by the said Samuel in his life time appears on record, and such deed by the administrator on the estate of the said Samuel as aforesaid, shall vest in the said Benjamin, as full and absolute a title as he held before his conveyance to the said Samuel as aforesaid.

[This act passed *June 22, 1811.*]

CHAP. LV.

An Act in addition to an act, in explanation of an act, entitled, "An act, in addition to an act, passed in the year of our Lord one thousand seven hundred and forty-one, entitled An act to enable the Trustees appointed in His Majesty's High Court of Chancery to purchase houses and lands, and to improve the same for perpetuating the charity of the Honorable Edward Hopkins Esq. more effectually to secure the interest of their several tenants in possession of their Hopkinton and Upton lands, and the revenue of those lands to the College and Grammar School at Cambridge, according to the true intent of all parties, at the first settlement of that town.

Preamble.

WHEREAS doubts have arisen, whether the act to which this is in addition, contemplates those lands belonging to the Hopkins' donation or trust, which lie in Upton, and out of the county of Middlesex.

Lands secured in the Hopkins' donation.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said act, to which this is in addition, shall be construed as extending to all the lands belonging to the Hopkins' donation or trust lying in Upton in the county of Worcester, as well as in Hopkinton in the county of Middlesex, any law to the contrary notwithstanding; and if, in consequence of a different construction of the act aforesaid, any deeds or conveyances of, or executions extended upon such lands have been or shall be recorded in the registry of deeds for the county of Worcester, or by the Register appointed by the Trustees

of the donation or trust aforesaid, and not in the registry of deeds for the county of Middlesex between the first day of July in the year of our Lord one thousand eight hundred and eight, and the first day of August next, such records shall be valid to all intents and purposes as if made in the registry for the county of Middlesex, and if any deeds or conveyances of land belonging to the said Hopkins' donation or trust through misapprehension or otherwise may have been recorded in the registry of deeds for the county of Worcester, or that of the county of Middlesex, after the passing of the act in the year one thousand seven hundred and forty-one, mentioned in the title of this act, and before the first day of July, in the year one thousand eight hundred and eight, and were not recorded by the Register appointed by the Trustees aforesaid, as that act required, shall be valid to all intents and purposes, as if they had been recorded according to law.

SEC. 2. *Be it further enacted*, That no future conveyances of land belonging to the Hopkins' donation or trust, shall be valid in law, which purport to convey any other lands derived from a title or titles other than such Hopkins' donation or trust.

SEC. 3. *Be it further enacted*, That the said Trustees of the Hopkins' donation or trust, shall on or before the first day of August next, deposit in the registry of deeds for the county of Middlesex, all the books of records of deeds, conveyances and executions, relating to the lands aforesaid, which are in the possession of the Register appointed by them, and it shall be the duty of the Register of deeds for the county of Middlesex, to receive and keep the same, and to record all deeds, conveyances, and executions made of, and extended upon the lands aforesaid, lying as well in Upton as Hopkinton, in the books of the said Trustees, and for making such records, he shall be entitled to the same fees as for similar records of other deeds, conveyances, and executions. *Provided*, That the Trustees aforesaid, their Treasurer, and such other person or persons as they may delegate for the purpose, shall have liberty at all times to search the records which relate to the lands aforesaid, free of all expense.

[This act passed June 22, 1811.]

CHAP. LVI.

An Act to incorporate certain Proprietors of the common and undivided lands in the town of Hull, in the County of Plymouth, for the purpose of managing the same as a Common and General Field.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the proprietors and owners, their heirs and assigns of certain common and undivided lands lying in the town of Hull, in the county of Plymouth, bounded as follows, viz. beginning at the east end of the lane, (so called,) then running easterly round point Alderton to the sea; thence southerly by the sea till it comes to the Mill lane, (so called;) thence across said lane to Robert Gould's land; then by Robert Gould's land till it strikes the water on the west side of the beach; thence northerly by the sea until it strikes Sagamore hill, (so called;) thence round said hill, to the water; thence northerly until it strikes White Head, (so called;) then round White Head till it comes to the Salt marsh; northerly by the Salt meadow until it comes to the sea again; then by the sea to the entrance of Point Alderton; then by the salt water to the east end of the burying-ground; from thence to the first mentioned bounds, excepting therefrom, certain lots of land within said bounds, fenced in, and belonging to individuals, be, and they are hereby incorporated by the name of The Proprietors of Common and Undivided Lands, in the town of Hull, and by that name may sue and be sued, and do and suffer all such acts and things, as like corporate bodies may and ought to do and suffer.

Boundaries.

Proprietors incorporated.

SEC. 2. *Be it further enacted,* That the said proprietors, when legally assembled, shall have power from time to time to appoint a Clerk, Treasurer, Assessors, and Collectors of taxes, Committees, or other necessary officers, who shall severally be sworn to the faithful discharge of their trust, which officers, shall have the same power to carry into effect any vote or order of said corpo-

Empowered.

ration as town officers of like description have by law to do and perform in their respective offices, and the said corporation shall at their first meeting determine on the manner of calling future meetings, and at any legal meeting for that purpose, shall have power to raise monies, and establish such rules and regulations concerning the improvement of said lands, as shall from time to time be found necessary for the better management of the same.

SEC. 3. *And be it further enacted,* That the said proprietors shall have liberty to erect the following gates and water fences, viz. one gate at the east end of the lane, (so called;) one at the east end of the burying-ground with a water fence; also, a water fence at the Pier (so called,) at the most convenient place; also, one gate at the west end of Row (so called;) also to continue that already erected on Mill lane. And the said town of Hull shall be at the expense of the aforesaid gates and water fences, reserving to any person the privilege of passing and repassing through said gates, as occasion may require, and the proprietors may have liberty to impose a penalty not exceeding one dollar, for the neglect of any such person in not shutting said gates; and also reserving to the town of Hull the privilege of the shores, and of feeding all lands, not comprehended within the aforementioned bounds.

Gates and
fences to be
made.

SEC. 4. *Be it further enacted,* That upon the application of any two or more of the said proprietors to any Justice of the Peace in the county of Plymouth, the said Justice is hereby authorised to issue his warrant, directed to one of the said proprietors, requiring him to notify a meeting, at such time and place, and for such purposes as shall be expressed in said warrant, which warrant and notification thereon shall be posted up at the door of the meeting-house in said town of Hull, and at some public place in the town of Hingham, fourteen days before the time expressed in the warrant for holding such meeting.

Justice to
issue war-
rant.

[This act passed June 22, 1811.]

CHAP. LVII.

An Act to establish the Hopkinton Cotton Manufacturing Company.

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joseph Valentine, Thomas Bucklin, William Wood, Joseph Morse, Samuel Godard, Benjamin Herrick, John Gibson jun. Elijah Wheelock, Gardner Parker, Aner Fisk, Josiah Pease jun. John Starkweather, Joseph Clough and Russell Smith, together with such others as already have associated, or may hereafter join and associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The Hopkinton Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Hopkinton, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act defining the general powers and duties of manufacturing corporations, passed the third day of March, one thousand eight hundred and nine.

May hold
estate.

SEC. 2. *Be it further enacted,* That the said corporation may lawfully hold and possess real estate not exceeding the value of fifty thousand dollars, and personal estate not exceeding the value of one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacturing of cotton in the said town of Hopkinton.

[This act passed June 22, 1811.]

CHAP. LVIII.

An Act to establish the Methodist Episcopal Society in Provincetown, in the County of Barnstable.

Society in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Solomon Cook, Simeon Conant, Elisha Freeman, Seth Nickerson, Reuben Rider,

Abraham Smalley, Pason C. Cook, Elisha Young, Solomon Cook jun. Elisha Holmes, William Gasacan, Benjamin Dyer, John Leny, Treuman Garret, Timothy Nickerson, George R. Wisell, Joshua Cook, Gamaliel Collings, Peter Lambart, Daniel Smalley, Gamaliel Rowley, Reuben Cook, Benjamin Gifford, Samuel Genn jun. Thomas Ridley, Isaac Cook, John Cook jun. Warren Freeman, Enoch Smith, Reuben Nickerson, Hatsub Freeman, Henry Atwood, Josiah Knowles, William Eldridge, Samuel Atwood jun. Reuben Smith, Ruman Anthony, Ephraim Cook, Samuel Cook, Samuel Cook jun. Stephen Cook, Samuel Genn, Enoch Smith jun. Washington Case, David Brown, Alexander Gross, James Smith, Samuel Kilburn, John Cook, Joshua Pane, Josiah Atkins, Levi Lerton, Prince Freeman, Amasa Snow, John Atwood, John Savage, Joshua Smith, Charles Freeman, Robinson Crocker, Nathaniel Rider, James Sparkes, Reuben Hill, Gersham Cutter, Nathaniel Nickerson, Samuel Conant, Seth Smith, Ebenezer Smith, Samuel Atwood, Benjamin Kingham, Jeremiah Newcomb, William Pane, William Phillips jun. John Long, Ebenezer Newcomb, and Oliver Barlow, with their polls and estates, be, and they hereby are incorporated by the name of The Methodist Episcopal Society in Provincetown, in the county of Barnstable, with all the privileges, powers, and immunities, and subject to the same duties which parishes in this Commonwealth by law enjoy and perform.

SEC. 2. *Be it further enacted*, That any person in said town of Provincetown, who may at any time hereafter actually become a member of, and unite in religious worship with said Methodist Episcopal Society, and shall give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Methodist Episcopal Society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estates, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all the monies assessed or voted in

Method of
becoming
a member.

the parish to which he or she belonged previous to that time.

Manner of
leaving.

SEC. 3. *Be it further enacted*, That when any member of said Society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of the said Methodist Episcopal Society, with a certificate signed by the minister or clerk of the parish or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate, with his or her polls and estates, be considered as a member of said society to which he or she may so unite.

Warrant to
be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the town of Provincetown, be, and he hereby is authorised and empowered to issue his warrant, directed to some suitable member of said society, authorising him to summon the members of said society, to meet at such time and place, as he shall appoint in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

[This act passed June 22, 1811.]

CHAP. LIX.

An Act for the support of the Ministry and Schools in the towns of Otisfield and Harrison.

Committee
appointed.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That David Ray, Zebulon Knight, Enoch Spurr, Robert Anderson, Daniel Holton, all of said Otisfield, and Naphtali Harmon, Samuel Scribner, Samuel Willard, Benjamin Foster, and Nathaniel Burnham, of said Harrison, be, and hereby are appointed a committee

to sell the ministerial and school lands, within the said towns of Otisfield and Harrison, being three sixty-fourth parts of the township of Otisfield, as originally granted to the town of Otisfield, and to divide the proceeds arising from such sale, between the said towns of Otisfield and Harrison, according to their respective proportions thereof, said proportions to be determined by the act setting off said town of Harrison from the town of Otisfield, and to pay over the said respective shares unto the respective trustees of said towns hereinafter appointed, and for the purposes hereinafter mentioned.

SEC. 2. *Be it further enacted*, That the said committee be, and they are hereby authorised and empowered to sell and convey in fee simple, all the said ministerial and school lands belonging to said towns as aforesaid, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, signed and sealed by them, or any seven of them, shall be good and effectual in law, to pass and convey in fee simple from said town to the purchaser or purchasers, to all intents and purposes whatever.

Empowered
to sell lands
and give
deeds.

SEC. 3. *Be it further enacted*, That the said David Ray, Zebulon Knights, Enoch Spurr, Robert Anderson, and Daniel Holton, be, and they are hereby incorporated into a body politic, by the name of The Trustees of the Ministerial and School Funds, in the town of Otisfield. And that the said Naphtali Harmon, Samuel Scribner, Samuel Willard, Benjamin Foster, and Nathaniel Burnham, be, and they hereby are incorporated into a body politic by the name of The Trustees of the Ministerial and School Funds, in the town of Harrison. And each of them and their respective successors shall continue a body politic and corporate forever, by those names; and they shall each have a common seal subject to be altered at their pleasure, and they may each of them respectively sue and be sued in all actions, and prosecute and defend the same to final judgment and execution by their respective names aforesaid.

Trustees in-
corporated.

SEC. 4. *Be it further enacted*, That each of the said bodies politic and their respective successors shall and may annually elect a President and Clerk, to record the doings and transactions of the Trustees at their meetings, and a Treasurer to receive and apply the monies hereinafter

empowered
to elect offi-
cers.

mentioned, as hereinafter directed, and any other needful officers for the better managing of their business.

Number of
Trustees li-
mited.

SEC. 5. *Be it further enacted*, That the number of trustees in each of said bodies politic shall not at any one time be more than seven nor less than five ; any five of their number to constitute a quorum for the transacting business ; and they shall and may from time to time respectively fill up vacancies in their number which may happen by death, resignation, or otherwise, from the inhabitants of their respective towns, and shall also have power to remove any of their number who may become unfit or incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty, and to supply a vacancy so made by a new choice from their respective towns as aforesaid, and the said Trustees respectively shall annually hold a meeting in March or April, and as much oftener as may be found necessary to transact their necessary business, which meetings after the first shall be called in such way and manner as the respective trustees shall hereafter direct.

Meeting to
be held an-
nually.

Persons au-
thorised to
fix first
meeting.

SEC. 6. *Be it further enacted*, That David Ray be, and he is hereby authorised to fix the time and place of holding the first meeting of the Trustees of the town of Otisfield ; and that Naphtali Harmon be, and he hereby is authorised to fix upon the time and place of holding the first meeting of the Trustees of the town of Harrison, and each of them to notify the respective trustees thereof.

Appropriations of the monies.

SEC. 7. *Be it further enacted*, That each of the said bodies politic shall receive the share or dividend of the monies arising from the sale of the aforesaid lands, which shall be the proportion of their respective town, and shall put out the same to interest, as soon as may be, secured by mortgage of real estate to the full value thereof, or by two or more sufficient sureties with the principal, unless the trustees shall think it best to invest the same in public funded securities or bank stock of this Commonwealth, which they may do.

Application
of the in-
terest.

SEC. 8. *Be it further enacted*, That the interest arising from said funds respectively, shall and may be annually or oftener in equal proportions applied to the use of the ministry and school in said towns respectively. And it shall never be in the power of said towns to alienate or any wise alter the funds aforesaid.

SEC. 9. *Be it further enacted*, That the Clerks of the said respective corporations shall be sworn previous to their entering on the duties of their office, and the respective Treasurers of the Trustees, shall each give bond faithfully to perform their duty, and to be at all times responsible for the faithful application and appropriation of the money which may come into their hands conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in their respective offices, said bond shall be given to the town treasurer of each of said towns for the use of its inhabitants.

Treasurer
to give
bonds.

SEC. 10. *Be it further enacted*, That the Trustees respectively, or their officers, for the services they may perform, shall be entitled to no compensation out of any money arising from the funds aforesaid, but if entitled to any shall have and receive the same of said towns, as may be mutually agreed on.

Compensa-
tions for
services.

SEC. 11. *Be it further enacted*, That the said trustees and their respective successors shall exhibit to their respective towns at their annual meeting in March or April, a regular and fair statement of their doings.

Trustees to
account.

SEC. 12. *Be it further enacted*, That the said trustees shall be responsible to their respective towns for their personal negligence or misconduct whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in said suit to be for the uses aforesaid.

and to be res-
ponsible.

[This act passed June 22, 1811.]

CHAP. LX.

An Act further regulating the taking of Fish in Mattepoissett River.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person or persons shall take any fish called alewives in Mattepoissett river, in the town of Rochester, in the county of Plymouth, or stretch any sein in said river for the purpose of taking fish at any time hereafter in either of the months of March, April, or

Penalty for
taking fish
contrary to
law.

May, in any part of Mattepoisett harbour in said Rochester, to the northward of a line running directly from the most southerly part of Capt. Job Haskell's farm on the westerly side of said harbour, to the most southerly part of Joseph Edwards' land on the easterly side of said harbour, such person or persons so offending shall for each offence forfeit and pay fifty dollars, to be recovered in the same way, and to the same uses as forfeitures for taking said fish in the same river are by law to be recovered.

Selectmen
empowered.

SEC. 2. *Be it further enacted*, That the Selectmen of said town are hereby authorised annually to regulate the manner in which the purchasers of the exclusive right of taking said fish in said river, shall respectively take them, and if any such purchaser shall not conform to such regulations, such purchaser shall for every such offence forfeit fourteen dollars, to be recovered as aforesaid, for the use or uses aforesaid.

Persons not
inhabitants
forbidden to
take fish.

SEC. 3. *Be it further enacted*, That if any person, not an inhabitant of the said county of Plymouth, shall take any of said fish in said river contrary to law, he shall be holden to answer for the same before any Justice of the Peace within and for the county of which such person is an inhabitant, or in which he is resident; and all such Justices have hereby given them respectively ample jurisdiction of all such actions which may be brought before them, and fully authorised to hear and try them in the same manner as if the forfeiture had been incurred in the same county, and no fiction of law shall be necessary in the declaration to bring such cause within the jurisdiction of such Justice of Peace.

Method to
be adopted
by the plain-
tiff.

SEC. 4. *Be it further enacted*, That in all prosecutions for taking said fish in the said river contrary to law, none of the laws on that subject need to be recited, but the plaintiff may declare generally against the offender for taking the fish called alewives in Mattepoisett river in Rochester, in the county of Plymouth, within a limited time, contrary to the form and effect of the statute in such case made and provided.

[This act passed June 24, 1811.]

CHAP. LXI.

An Act to divide the County of Hampshire, and to constitute the northerly part thereof into a County, by the name of the County of Franklin.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the county of Hampshire shall be divided by a line, beginning on the westerly line of the county of Worcester, at the west corner of the town of Petersham, in said county of Worcester; thence southerly following the east line of the town of New Salem, to the southeast corner of said New Salem; thence westerly on the southerly lines of the towns of New Salem and Shutesbury, to the southwest corner of the town of Shutesbury; thence northerly on the line of Shutesbury, to the southerly line of the town of Leverett; thence westerly on the southerly lines of the towns of Leverett and Sunderland, to Connecticut river; then beginning on the west bank of said river at the southeasterly corner of the town of Whately; thence westerly and northerly upon the line of said Whately, to the southerly line of the town of Conway; thence westerly and northerly upon the line of said Conway, to the southeasterly corner of the town of Ashfield; thence westerly and northerly upon the line of the said Ashfield, to the southeasterly corner of the town of Hawley; thence westerly upon the line of said Hawley, to the easterly line of the county of Berkshire. And the bounds of the county by this act created, on the east, shall be the line heretofore established between the counties of Hampshire and Worcester, and on the west, by the line between the counties of Hampshire and Berkshire, and on the north, by the north line of the Commonwealth. Boundaries.

SEC. 2. *Be it further enacted,* That all and every part and parcel of the late county of Hampshire, included within the lines before described, shall be, and the same is hereby formed and erected into an entire and distinct county by the name of Franklin, of which Greenfield shall be the shire or county town. And the inhabitants of the said county of Franklin, shall hold, possess, use, exercise Franklin county created.

and enjoy all the powers, rights and immunities, which by the constitution and laws of this Commonwealth, the inhabitants of any county within the same, do hold, possess, use, exercise, enjoy, and are entitled to.

Court of
Common
Pleas estab-
lished.

SEC. 3. *Be it further enacted*, That there shall be held and kept within the said county of Franklin, a Circuit Court of Common Pleas, to set at Greenfield aforesaid, on the second Monday of March and September yearly, and in every year until the General Court shall otherwise order, and the Justices of the said Court of Common Pleas, who shall be thereunto lawfully commissioned, shall have, hold, use, exercise and enjoy, all and singular, the powers which are by law given and granted to such Justices, within any other county of this Commonwealth where a Court of Common Pleas is already established. And all appeals from any judgment or judgments given at any Court of Common Pleas, within the said county of Franklin, shall be heard and tried at the Supreme Judicial Court, to be holden at Northampton in the county of Hampshire. And the Supreme Judicial Court, to be holden at Northampton, in the county of Hampshire, shall be holden for the counties of Hampshire and Franklin, and shall from time to time have the same jurisdiction, power and authority for the trial of all actions, civil and criminal, the cause whereof has arisen, or shall arise within the body of the county of Franklin, and to hear and determine all other matters and things arisen, or which shall arise within the body of the county of Franklin, and shall have the same jurisdiction in all matters, civil, criminal and mixed, arisen, or which shall arise, in said county of Franklin, as if the same actions, matters and things had arisen within the body of the county of Hampshire.

Jurisdiction
of S. J.
Court.

Probate
Court.

SEC. 4. *Be it further enacted*, That all business commenced in the Probate Court for the county of Hampshire, as well as all actions, suits, cognizances, matters and things, pending in the Court of Common Pleas for the said county, prior to the second Monday of March next, shall be heard, tried, and finally determined in the county of Hampshire, in the same manner as though the county of Franklin had not been incorporated.

SEC. 5. *Be it further enacted*, That all officers within the said county of Franklin, having authority to commit prisoners to jail, shall be authorised for the term of three

years to commit their prisoners to the jail in the county of Hampshire; and the keeper of the jail in the said county of Hampshire is hereby authorised and required to receive and detain such prisoners, and all persons committed to jail in the county of Hampshire from the county of Franklin, shall be entitled to the same benefits and indulgencies, as though they lived or had their homes in the county of Hampshire, and it is made the duty of the proper magistrates and officers in the county of Hampshire, to administer all oaths, and perform all the services which may be necessary for that purpose; *provided* all expenses incurred by the operation of this section of this act shall be defrayed by the county of Franklin.

Officers authorised respecting prisons.

SEC. 6. *Be it further enacted*, That the respective Justices of the Peace for the county of Hampshire, who shall upon the division of the county aforesaid, reside in the county of Franklin, be, and they hereby are authorised to issue execution on all judgment and recognizances heretofore recovered or taken before them respectively, and do and finish all matters and things commenced and begun by them respectively in their said offices before this act takes effect, in the same manner as they might by law have done if the said county of Franklin had not been incorporated.

Justices authorised.

SEC. 7. *Be it further enacted*, That the methods and proceedings, directed by law, for choosing a County Treasurer and Register of Deeds, and the modes and forms of proceeding, known and practised in bringing forward and trying actions, causes, pleas, or suits, and of originating and conducting legal processes of every kind, whether civil or criminal, in the Judicial Courts established in the several counties in this Commonwealth, and for choosing persons to serve as jurors at the said Courts, shall be observed and put in practice, used and exercised within the said county of Franklin, as is usual in other counties in this Commonwealth.

Election of county officers, &c.

SEC. 8. *Be it further enacted*, That the several towns, districts and plantations, within the said county of Franklin, shall pay to the Treasurer of the county of Hampshire, in the same manner they have paid previous to the passing of this act, their due proportion of all county taxes, that shall have been heretofore granted. And the Court of Common Pleas, in and for the county of Hampshire, shall

Towns, &c. directed in paying taxes.

have the same powers and authority to proceed with and assess upon all such towns, districts and plantations severally, their due proportion of all such taxes as have been granted as aforesaid; and the assessors of all such towns, districts and plantations, and the inhabitants thereof severally, shall be governed by and subject to the same laws of this Commonwealth, and held, bound, and obliged to perform the same duties, and be under the same penalties with respect to assessing and paying all such taxes; and the Treasurer of said county of Hampshire shall be, and hereby is, directed and empowered to proceed in the same manner for the collection of such taxes, and shall have the same power and authority to collect and levy the same by warrant of distress, in due form of law, as if this act had never passed. And all lawful precepts issued by the said Treasurer for said county of Hampshire, for the collection or levying such taxes, directed to the proper officer, within and for the county of Franklin, shall be duly obeyed by such officer, under the same penalty; and such officer shall be liable to be proceeded with for any default therein, in the same manner as in like cases where a similar default happens in any county within this Commonwealth, within and to which both said Treasurer and officer belong. And the said county of Franklin shall be held to pay their due and just proportion of all debts that shall be now due and owing from the said county of Hampshire.

Venires for
Jurors.

SEC. 9. *Be it further enacted*, That the Clerk of the Supreme Judicial Court, whenever he shall issue venires for any Grand or Traverse Jurors to attend the Supreme Judicial Court to be held for the counties of Hampshire and Franklin, shall be governed by the division into jury districts already made for the county of Hampshire, until a new division into districts is made hereafter in both of the counties of Hampshire and Franklin.

SEC. 10. *And be it further enacted*, That this act shall be in force from and after the second day of December next.

[This act passed June 24, 1811.]

CHAP. LXII.

An Act to prohibit certain officers of Courts from buying promissory notes and other demands for the purpose of making a gain or profit in the collection thereof.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person shall with an intent thereby to procure himself to be retained as an attorney, or employed as a Justice of the Peace, Sheriff, Deputy Sheriff, Coroner or Constable, in the collection of any note, account or other demand whatever, by a suit at law, or with an intent thereby to procure and obtain any promissory note, account or other demand, for the purpose of making to himself any gain or profit from the writs or fees arising in the collection thereof by a suit at law, directly, or indirectly loan or advance any sum or sums of money, or shall promise to loan or advance any sum or sums of money, or shall forbear and give day of payment, or shall promise to forbear and give day of payment of any sum of money due on any demand left with such person, to be by him collected, or shall pay or assume to pay any debt of any person whatever, or shall purchase any goods or chattels or shall give or promise any valuable consideration whatever, with an intent thereby to procure and obtain any promissory note, account or other demand, for the purpose of making to himself any gain or profit from the writs or fees arising in the collecting thereof by a suit at law, every person so offending shall forfeit and pay a sum not more than five hundred nor less than twenty dollars for each and every offence, to be recovered by indictment in the Supreme Judicial Court, in which case the forfeiture shall enure to the Commonwealth, or by action before any Court proper to try the same, in which case the forfeiture shall accrue one moiety to him or them who shall first sue and prosecute for the same, and the other moiety to the use of the county where such action may be prosecuted.

Prohibition
& forfeiture
in case of of-
fence.

[This act passed June 24, 1811.]

CHAP. XLIII.

An Act to establish The North Methodist Society in
Hallowell.Society in-
corporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Zachariah Gibson, Joshua Wingate, Enoch Greeley, Francis Norris, Daniel Evans, Robert Francis, Ralph Blake, Edward Warren, John Hasleth, John Megroth, Robert Yallaly, William West, Samuel Dally, Sullivan Kendall, Asa Robinson, Jonathan Brown, Stephen Brown, Ebenezer Bessey, S. S. Bernett, Stephen Stantiall, Edward Freeman, Ebenezer B. Greeley, William Moore, and Ebenezer Laughton, together with their polls and estates, be, and they hereby are incorporated by the name of The North Methodist Society in Hallowell, with all the privileges, powers, and immunities, and subject to like duties which parishes in this Commonwealth by law enjoy and perform.

Method of
becoming
a member.

SEC. 2. *Be it further enacted,* That any person in said town of Hallowell, who may at any time hereafter actually become a member of, and unite in religious worship with said Methodist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society that he or she hath actually become a member of, and united in religious worship with said Methodist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving in such certificate with his or her polls and estates, be considered as a member of said society. *Provided however,* That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Proviso.

anner of
leaving.

SEC. 3. *Be it further enacted,* That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of the said

Methodist society, and a certificate signed by the minister or clerk of the parish or other religious society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving in such certificate with his or her polls and estate be considered as a member of the society with which he or she may so unite.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the town of Hallowell, be, and he hereby is authorised and empowered to issue his warrant to some suitable member of said society, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

Warrant to
be issued.

[This act passed June 24, 1811.]

CHAP. XLIV.

An Act to establish the Universalist Society in Farmington.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Daniel Beale, Leonard Billings, Thomas K. Blake, Asa Brown, Jeffry B. Brown, Lemuel Bursley, Asa Butterfield, Moses Butterfield, Isaac Butterfield, Isaac Butterfield, Joseph Butterfield, Joseph Butterfield 2d. Jesse Butterfield, Hannah Butterfield, Reuben Butterfield, Henry Butterfield, Warren Butterfield, Peter Corbetts, James Cummings, David Daniel, Nathaniel Folsom, Newhall Gordon, Thomas Gordon, Noah M. Gould, William Gould, William Gower, Guy Green, Joseph Hiscock, Lot Hosmer, Jacob Jordan, Ebenezer Jones, Samuel Ladd, John Lowell, Reuben Lowell, Reuben Lowell jun. James Marvell, John Morrison, Isaac B. Porter, Horatio G. Quincy, Saer Quincy, Jonathan Russ, John Russ, Ebenezer Shaw, John P. Shaw, Joseph Star-

Society in-
corporated.

ling, Jeremiah Stinchfield, Benjamin Wethren, Benjamin Whittier, Nathaniel Whittier, Jeremy Wyman, and John Young, with their families and estates, together with such others as may hereafter associate with them and their successors in the manner provided by this act, be, and they are hereby incorporated as a religious society, by the name of The Universalist Society in Farmington, with all the powers and privileges exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

Method of
becoming a
member.

Proviso.

SEC. 2. *Be it further enacted*, That any person living within either of the towns of Farmington, Wilton, Chesterville, New Sharon, Industry, Strong or Temple, who may desire to join the said Universalist society, shall declare such intention in writing delivered to the elder, minister, or clerk of the said Universalist society, fifteen days at least before their annual meeting, and if such person do receive, and can produce a certificate of admission signed by the said elder, minister, or clerk, that such person has united with, and actually become a member of the said society, such person from the date of the said certificate shall be considered with his or her polls and estate, a member of the said Universalist society. *Provided however*, That every such person shall be holden to pay his or her proportion of all parochial expenses in the society to which such person belonged, assessed and not paid prior to leaving such society.

Manner of
leaving.

SEC. 3. *Be it further enacted*, That when any member of the said Universalist society shall see cause to leave the same and to unite with any other religious society in the town in which such person may have his home, shall give notice of such intention in writing to the minister, clerk, or committee of such other society, fifteen days at least previous to the annual meeting, and if such person do receive, and can produce a certificate of admission signed by the minister, clerk, or committee of such other religious society, that such person has united with, and actually become a member of the said society, such person from the date of the said certificate shall be considered with his or her polls and estate a member of such other society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Kennebeck, upon application there-

for, is hereby authorised to issue a warrant directed to a freeholder and inhabitant of said Farmington, requiring him to notify and warn the members of the said Universalist society to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers, as religious societies have a right to choose at their annual meetings. Warrant to be issued.

[This act passed June 24, 1811.]

CHAP. LXV.

An Act establishing The First Baptist Society, in the town of Kittery, in the County of York.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joshua T. Chase, John Rodgers, John Stevens, Darius Frisbee, William Seward, John Phillips, Daniel Fernald, Aaron Witham, Joseph Manson, William Fernald 3d. Richard Parsons, Samuel Gunnison, James Lewis, Roger Dearing, Mark Dennett, Joel Haley, Josiah Phillips, Andrew W. Black, Joshua Fernald jun. Palatiah Fernald, Samuel Norton 3d. Theodore Parker, Daniel Parker, William Toby, John Williams, William Paul, John Billings, Andrew Toby, Elihu W. Wilson, and John Dennett jun. together with their polls and estates, be, and they hereby are incorporated by the name of The First Baptist Society in the town of Kittery, with all the privileges, powers, and immunities, and subject to all the duties which parishes in this Commonwealth by law enjoy or perform. Society incorporated.

SEC. 2. *Be it further enacted,* That any person in said town of Kittery, who may at any time hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held, in the month of March or April Method of becoming a member.

Proviso.

annually, shall from and after giving such certificate, with his or her polls and estate, be considered as a member of said society : *Provided however*, That such person shall be held to pay his or her proportion of all monies, assessed or voted, in the parish to which he or she belonged previous to that time.

Manner of leaving.

SEC. 3. *Be it further enacted*, That when any member of said society, shall see cause to leave the same and unite in religious worship with any other religious society in the town or parish, in which he or she may live, and shall give in his or her name to the clerk of the said Baptist society, and a certificate, signed by the minister, or the clerk of the parish, or other religious society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or other religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society, to be raised previous thereto, shall from and after giving in such certificate, with his or her polls and estate, be considered as a member of the society with which he or she may so unite.

Warrant to be issued.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the town of Kittery, be, and he hereby is authorised and empowered to issue his warrant, directed to some suitable member of said society, to meet at such time and place, as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth, are by law entitled to choose in the month of March or April annually.

[This act passed *June 24, 1811.*]

CHAP. LXVI.

An Act establishing the Hopkinton and Framingham Cotton Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Valentine, Aaron Eames, Elias Grout, Fisher Metcalf, Samuel Valentine jr.

Henry Valentine, Luther Bixby, John J. Valentine, Simpson Clark, and Thomas Valentine, together with such others as already have, or may hereafter join and associate with them, their successors or assigns, be, and hereby are made a corporation by the name of The Hopkinton and Framingham Cotton Manufacturing Company, for the purpose of manufacturing cotton in the said town of Hopkinton or Framingham, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An act defining the general powers and duties of manufacturing corporations," passed the third day of March eighteen hundred and nine.

SEC. 2. *Be it further enacted,* That the said Corporation may lawfully hold and possess such real estate not exceeding the value of fifty thousand dollars, and such personal estate not exceeding one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacturing of cotton in the said town of Hopkinton or Framingham.

May hold
estate.

[This act passed *June 24, 1811.*]

CHAP. LXVII.

An Act to establish the First Congregational Society in Sullivan.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Bean, John Bean, Robert Berry, George Crabtree, Lemuel Crabtree, Hiram Emery, John Ford, Thomas Foss, George Hinman, Moses Hodgkins, Samuel Hodgkins, Shemuel Hodgkins, Philip Hodgkins, Morgan Jones, Robert Mercer, Joseph Moon, Joseph Parsons, Francis Salter, Paul Dudley Sargent, John Sargent, Mark Shepard, James Simpson, James Smith, Elijah Stratton, Betsey Wooster, and William Wooster, with their polls and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society by the name of The First Congregational Society in Sullivan, with all the powers and privileges of other religious socie-

Society in-
corporated.

ties, according to the constitution and laws of this Commonwealth.

Method of
becoming a
member.

SEC. 2. *Be it further enacted*, That any person in the said town of Sullivan, who may at any time hereafter actually become a member of, and unite in religious worship with the said First Congregational Society, and give in his or her name to the town clerk of said Sullivan, and receive a certificate thereof signed by the minister or clerk of the said society, that he or she has actually become a member of the said Congregational society in Sullivan fifteen days before the annual town or parish meeting, shall from the date of said certificate with his or her polls and estate, be considered a member of the said society.

Warrant to
be issued.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Hancock, is hereby authorised upon application therefor to issue his warrant, directed to a freeholder and inhabitant of the said town of Sullivan, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are empowered to choose at their annual parish meetings.

[This act passed June 24, 1811.]

CHAP. LXVIII.

An Act to empower the Alford and Egremont Turnpike Corporation to erect a Gate.

Corporation
empowered.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Alford and Egremont Turnpike Corporation, be, and they hereby are authorised and empowered to erect a gate on the Alford and Egremont Turnpike Road fifty-two rods south of the north line of said Egremont, which line divides the towns of Alford and Egremont instead of erecting the same in the town of Alford, as said corporation were heretofore by law authorised to do.

[This act passed June 24, 1811.]

CHAP. LXIX.

An Act to regulate the Prison in the County of Suffolk.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That any person who is now or may be imprisoned for debt, in the county of Suffolk, either upon mesne process or execution, shall be permitted and allowed to have a room and lodging in any of the houses or apartments belonging to any individual situated within the exterior boundaries of the gaol yard, in the said county, upon obtaining the consent of the owner or occupant of such building, house or other apartment, and liberty to reside therein, both in the night and day time, and the same apartment shall be a part of the Prison.

Liberty of
Prisoners.

SEC. 2. *Be it further enacted,* That this act shall continue in force until the first of March next, and no longer.

[This act passed June 25, 1811.]

CHAP. LXX.

An Act to establish The First Baptist Society in
Hallowell.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That George Bartlett, James Hinckley, Thomas Hinckley, Thomas Norris, Simeon Norris, Jonathan Hains, Thomas L. Hovey, William Door, Samuel Corr, Ralph Blake, Daniel Norcross 2d. Jacob Carter, Thomas Norcross, Shubael Hinckley, Jeremiah Littlefield, Dean Wyman, Oliver Wyman, Elizabeth Andross, George Andross, Bracket Andross, George Littlefield, Ansel Nye, Thomas Laughton, Elijah Handy, of Hallowell and Augusta, in the county of Kennebeck, with their families and estates, together with such others as may associate with them and their successors agreeably to the provisions of this act, be, and they

Society in-
corporated.

are hereby incorporated and established as a religious society by the name of The First Baptist Society in Hallowell, with all the powers and privileges, and subject to all the duties of other parishes and religious societies, according to the constitution and laws of this Commonwealth.

Method of
becoming a
member.

SEC. 2. *Be it further enacted*, That when any person in the towns of Hallowell and Augusta aforesaid, who may desire to join with, and become a member of said Baptist society, shall declare such intention in writing to the clerk of said society fourteen days at least previous to the annual meeting of said society, and shall receive a certificate signed by said clerk, which certificate shall set forth, that he or she has actually united with, and become a member of said society, and shall also leave an attested copy of such certificate under the hand of said clerk, with the clerk of the town, parish, or society, to which he or she did belong on or before the last day of April next ensuing, and said certificate shall further set forth that he or she has constantly attended public worship with said Baptist society, for at least six months next preceding the said last day of April, such person from the date of such certificate shall be considered a member of said Baptist society, with his or her polls and estate, and shall be exempted from all future taxation for the support of public worship in the town, parish or society, which such person has left as aforesaid.

Manner of
leaving.

SEC. 3. *Be it further enacted*, That when any member of the said Baptist society shall desire to leave the same and join in religious worship with any other religious society in Hallowell or Augusta, and shall give notice of such intention in writing to the clerk of said town or other society fourteen days at least previous to the annual meeting of such other society, and shall receive a certificate of membership signed by the clerk thereof, setting forth that he or she has constantly attended public worship with said society, for at least one year previous to the said meeting of said society, and shall also leave an attested copy of such certificate, signed by said clerk, with the clerk of the said society, he or she did belong to, on or before the last day of April then next ensuing, such person shall be considered a member of the town, parish, or society, which he or she may so join, with their polls and estates, and

shall be exempted from all further taxation for the support of public worship in the society he or she hath left as aforesaid: *Provided however*, That in every case of secession every such person shall be held to pay his or her proportion of all parish or society taxes already assessed, or other charges in the society from which such person has seceded, being assessed and not paid previous to leaving such society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the county of Kennebeck, upon application therefor, is hereby authorised to issue his warrant directed to some member of said Baptist society, requesting him to notify and warn the members thereof to meet at such time and place as shall be expressed in said warrant, for the choice of such officers as parishes or religious societies are by law empowered to choose at their annual meeting, and all acts or doings of all such officers so chosen shall be legal and binding until others are chosen in their stead, as if they were chosen at any annual meeting of a parish or religious society, any law to the contrary notwithstanding.

Warrant to
be issued.

[This act passed June 25, 1811.]

CHAP. LXXI.

An Act to limit the Tenure in office of Sheriff.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That as soon as conveniently may be after the passing of this act, the Governor, with the advice of Council, shall nominate and appoint some suitable person in each county in this Commonwealth, who shall be Sheriff of the said county, and the Governor shall remove from office all Sheriffs now in commission, who shall not be reappointed, and the persons so appointed shall be commissioned by the Governor for the term of five years; *Provided however*, That the Governor, with advice of Council, may remove any Sheriff to be appointed as aforesaid, at any time when he may think proper within the said term of five years.

Limitation
of office.

[This act passed June 25, 1811.]

CHAP. LXXII.

An Act supplementary to “ An act regulating the taking and disposing of the fish called Alewives in the town of Pembroke.”

Regulations
for fishing.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no person or persons, shall set, draw, or cast any seine, drag or set net, of any dimensions whatever, in the North river (so called,) in the county of Plymouth, except from the sun's rising on Monday morning to the sun's rising on the following morning, and from the sun's rising on Friday morning to the sun's rising on the following morning in each week ; and that no seine, drag or set net, shall be set, drawn, or cast in said river, above what is called and known by the name of the Third Herring Brook, or Smelt Brook, excepting as is excepted in the tenth section of the act to which this is a supplement, on the penalty of sixteen dollars for each offence, to be recovered and appropriated in the manner provided for the recovery and appropriation of fines and forfeitures by the act to which this act is a supplement.

SEC. 2. *Be it further enacted,* That the ninth section of the act to which this is a supplement, be, and it hereby is repealed.

[This act passed *June 25, 1811.*]

CHAP. LXXIII.

An Act, in addition to an act, entitled “ An act, in addition to an act, entitled An act to secure the town of Boston from damage by fire, and repealing certain parts thereof.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.* That in so much of that part of the town of Boston, which was set off from the town of Dor-

chester, by an act passed March sixth, one thousand eight hundred and four, as lays south and east of Dorchester street, and the street north forty-eight degrees east, leading from said Dorchester street to the water by the ship yard, the proprietors of the land shall be permitted, for the term of five years after the passing this act, to erect any buildings which they might by law have erected previous to the passing of an act, entitled "An act, in addition to an act, entitled An act to secure the town of Boston from damage by fire, passed the ninth day of February in the year of our Lord one thousand eight hundred and three.

Privilege of
building in
S. Boston.

[This act passed June 25, 1811.]

CHAP. LXXIV.

An Act to direct the time and manner of exhibiting the accounts of County Treasurers, and the estimates for County Taxes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the respective Courts in the several counties of this Commonwealth, having jurisdiction in this behalf, at the terms of the said Courts holden next before the first day of January annually, shall make up and prepare estimates of taxes for all county charges, equal at least to defray the expenses which have accrued or may probably accrue for one year ensuing therefrom, including the building and repairing of gaols and court houses, and their appurtenances, with the debts due and owed by the said counties respectively, and the said estimates being so made and approved by the said courts, shall be recorded by the respective clerks in a book for that purpose to be provided and kept, and a fair copy of the said estimates shall be signed by the Chief Justice or Senior Justice presiding in the said Courts, and attested by the Clerks thereof, and the said Clerks respectively shall transmit the same to the office of the Secretary of the Commonwealth, on or before the first day of January annually, so that the said estimates may be laid before the

Courts to direct time and manner of exhibiting accounts, &c.

Legislature for their approbation, at the session thereof which may be thereafter next holden.

Treasurers
directed.

SEC. 2. *Be it further enacted*, That the Treasurers of the several counties be, and they are hereby directed to prepare and exhibit their accounts as County Treasurers annually, to the close of every year, to be accompanied with the estimates for County taxes, being first allowed and approved by the said Courts; and it shall be the duty of the said Treasurer to deliver the said accounts to the said Clerks of the Courts aforesaid, and it shall be the duty of the said Clerks to enclose and seal up the said Treasurers accounts with the said estimate, and transmit them to the office of the Secretary of the Commonwealth, that they may be examined and allowed by the Legislature, at the same time with the said estimates for county taxes.

[This act passed June 25, 1811.]

CHAP. LXXV.

An Act directing the manner of conveyance to be used by Counties in purchasing and disposing of lands.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever any county in this State shall purchase any lands whereon to erect a court house or gaol, or for any other purposes authorised by law, the deed or deeds of the grantor or grantors duly executed, acknowledged, and registered made to the inhabitants of the county, making the purchase, to have and to hold to the said inhabitants, their successors, and assigns forever, shall be good and valid to all intents and purposes to vest in the said inhabitants and county, their successors and assigns, in fee simple, all the right, title, interest, and estate whatever, which the grantor or grantors in such deed or deeds had at the execution thereof in the lands contained therein.

Manner of
conveyance
for county
purposes di-
rected.

Convey-
ances made,
deemed se-
cure.

SEC. 2. *Be it further enacted*, That all grants and conveyances heretofore made to the inhabitants of any county, or to their Treasurer, Committee, or any other person or persons, and by whatever form of conveyance

for the use and benefit of such county, in any manner whatever, shall be deemed and holden to be the property of such county, and all such conveyances shall have the same force and effect as if they had been made to the inhabitants of such counties by their respective corporate names.

SEC. 3. *Be it further enacted*, That the Court which by law may have the powers in relation to county lands, may by their order of record appoint an agent or agents, to sell and dispose of any real estate of said county, and the deed or deeds of such agent or agents under their proper hands and seals, for and in behalf of the inhabitants of such county, duly acknowledged and registered, shall be sufficient to all intents and purposes to convey to the purchaser or purchasers, all the right, title, interest, and estate whatever, which the county may then have to the premises so conveyed. Agents may be appointed to sell, &c.

SEC. 4. *And be it further enacted*, That in all cases where any real estate may now or at any time hereafter be holden in trust for the use and benefit of any county by any conveyance whatever, and no convenient and effectual remedy may exist at common law to enforce the execution of such trust, the Supreme Judicial Court, shall have full powers and process, and they are hereby empowered to enforce the execution of such trust, according to the course of proceedings in equity. Estate hold-
en in trust.

[This act passed June 25, 1811.]

CHAP. LXXVI.

An Act for the relief of the owners of the North Mill Dam, (so called) at the Lower falls in Newton.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That a certain act made and passed in the year of our Lord one thousand seven hundred and forty-one, entitled "An act, in addition to An act made to prevent the destruction of the fish called alewives and other fish," so far as the same may regard or impose any duty upon the owners or occupants of the North Mill Act repeal-
ed.

Dam, which is erected across Charles River from the town of Newton to the town of Needham, at the lower falls, be, and the same is duly repealed.

Privilege of
owners or
occupants.

SEC. 2. *Be it further enacted*, That it shall not hereafter be the duty of the owner or occupants of the said Mill dam, or any other dam which may be built or erected across Charles river, between the said towns of Newton and Needham at the Lower falls aforesaid, in the place where the old dam now stands, to make or keep open through any such dam, any sluice or passage way through any such dam during any part of the year, any other law, usage, or custom to the contrary notwithstanding.

[This act passed June 25, 1811.]

CHAP. LXXVII.

An Act to establish the First Baptist Society in the town of Sidney.

Society in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Benjamin Dyer, Jeremiah Thayer, Jonathan Matthews, Eli French, Joshua Howard, Edmund Howard, John Sawtell, Jesse French, Asa Williams, Amasa Hayward, David Reynolds, Ambrose Howard, Ebenezer Matthews, Daniel Thayer, Alexander Smily, David Smily jun. Joseph Smily, Levi Keith, Isaiah Hayward, John Lancaster, Beriah Ingraham, Timothy Reynolds jun. Charles Webber jun. Edmund Matthews, Luther Reynolds, Luther Ingraham, Calvin Snell, Timothy Reynolds, Paul Bayley, Edward Reynolds, William Brands, John Pinkham jun. and a number of the inhabitants of the towns of Sidney, Augusta, and Vassalborough, in the county of Kennebeck, with their families and estates, with such others belonging to either of the towns aforesaid, as have or may hereafter associate themselves for the same purpose in the manner hereafter described, be, and they are hereby incorporated into a religious society by the name of The First Baptist Society in the town of Sidney, with all the powers, privileges,

and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any person belonging to either of the towns aforesaid, who may at any time hereafter actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her name to the town or parish clerk to which he or she belongs with a certificate signed by the minister or clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in the town of Sidney, fourteen days previous to the town or parish meetings therein to be held in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estates, be considered as part of said society. *Provided however,* That such person shall be held to pay the proportion of all money assessed in the town or parish to which he or she belonged previous to that time. Method of becoming a member.

SEC. 3. *Be it further enacted,* That if any member of said Baptist society shall at any time see cause to leave the same and unite in religious worship with the town or parish in which he or she may reside, and shall lodge a certificate of such his intention with the clerk or minister of said Baptist society, and also with the clerk of the town or parish in which he or she may reside fourteen days at least before the annual town or parish meeting to be held therein in the month of March or April, and shall pay his or her proportion of all money assessed on said society previous thereto, such person shall from and after giving such certificate with his or her polls and estates, be considered as belonging to the town or parish or society in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist society. Manner of leaving.

SEC. 4. *And be it further enacted,* That Ambrose Howard Esq. be, and he is hereby authorised to issue a warrant directed to some suitable member of said Baptist society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorised to choose in the month of March or April annually. Warrant to be issued.

[This act passed June 25, 1811.]

CHAP. LXXVIII.

An Act for the better regulation of the Indian, Mulatto, and Negro Proprietors of Gay Head in the County of Duke's County.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That His Excellency the Governor, by and with the advice of the Council, may appoint three proper persons to be guardians, to the Indian, Mulatto, and Negro Proprietors of Gay Head, in the county of Duke's County, who shall give bonds with sufficient sureties to the Judge of Probate, in and for said county of Duke's County, for the faithful discharge of their trusts, and to render and settle their accounts as is therein after directed, which Guardians are hereby empowered to take into their possession the lands of said Indians, Mulattoes, and Negroes, and allot to the several Indian, Mulatto, and Negro proprietors of said lands, such parts of said lands as shall be sufficient for their particular improvement from time to time; and the remainder, if any there be, shall be let out by the said Guardians to suitable persons, for a term not exceeding two years, and such part of the income thereof as is necessary shall be applied for the support of such of the said proprietors as may be sick or unable to support themselves, and the surplus thereof, (if any there be,) shall be distributed amongst them according to their respective rights or interest, for providing necessities for themselves and families, and for the payment of their just debts, at the discretion of their said Guardians; and that the respective Guardians aforesaid, or the major part of them, be hereby empowered and enabled, in their own names, and in their capacities as Guardians, to bring forward and maintain any action or actions for any trespass or trespasses that may be committed, or any action of ejectment against any person or persons who may illegally enter into the possession of said lands, and that any liberty or pretended liberty obtained from any Indian, Mulatto, or Negro proprietor, for cutting off any timber, wood, or hay, carrying off any ore,

Guardians
appointed &
empowered.

Surplus ap-
propriated.

Privileges
granted by
Guardians
only.

earth, or grain, or planting or improving said lands, shall not be any bar to said Guardians in their said action or actions.

SEC. 2. *And be it further enacted*, That no action shall be brought against any of the Indian, Mulatto, or Negro proprietors of said lands, for any debt hereafter to be by them contracted with any person or persons for any sum whatsoever, unless the same be first examined and allowed in writing, and signed by the said Guardians or a major part of them. Guardians to inspect accounts.

SEC. 3. *And be it further enacted*, That the said Guardians shall keep a fair account of their proceedings relative to the trust in them reposed by this act, to be by them laid before the Court, who exercise the powers and duties of the Court of Sessions for the county of Duke's County, from year to year, and oftener if required by said Court, for their inspection and allowance. to account annually with the Court of Sessions.

SEC. 4. *And be it further enacted*, That no action shall be sustained in any Court of Law in this Commonwealth, wherein any of said Indian, Mulatto, or Negro proprietors shall be plaintiff, unless the original writ be endorsed by two or more of their Guardians, and this act may be given in evidence in all such actions under the general issue. to endorse writs.

SEC. 5. *And be it further enacted*, That whenever the Governor and Council shall judge the continuance of the said Guardians in their said trust inexpedient or unnecessary, they may remove them.

[This act passed June 25, 1811.]

CHAP. LXXIX.

An Act to establish the Baptist Society of Limington and Limerick in the County of York.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Lemuel Foss, John Manson, Richard Edgerly, Andrew Rankins, Hiram Staple, Andrew Cobb jun. James Staple, Andrew Cobb, Joseph Libbey, David Ridley jun. Tristram Staple, Nathaniel

Persons in-
corporated.

Bracket jun. Samuel Morrison, Benjamin Libbey, John Staple, David Barry, Daniel Bean, James Emery, Enoch Staple, Robert Staple, David Stover, Simeon Tufts, Dennis Marr, Mark Manson, James Lord, William Manson jun. Samuel Garey, Joel Garey, Samuel Garey jun. John Foss, Joseph Foss, Josiah Foss, Dudley Evans, Daniel Grant, David Richardson, Dominicas M'Kenney, William Sawyer, Ezra Davis jun. Enoch Nason, George Meserve, John Lord, Reuben Chaney, Joseph Sawyer, John Stone, David Meserve, Andrew Cobb, Nathaniel Norton, Joseph Durgen, James Nason, David Richardson, John Randell, Samuel Edgerly, John Gore, Jeremiah Bullock, William Boothby, John Berry, Samuel Manson, Enoch Strout, Joseph Libbey jun. John Haley, Benjamin Joy, Samuel Joy, David Boyd, Moses Bayley, and Benjamin Keen, together with their polls and estates, be, and they are hereby incorporated, by the name of The First Baptist Society of Limington and Limerick, with all the privileges, powers, and immunities, and subject to all the duties which parishes in this Commonwealth by law enjoy and are liable to perform.

Method of
becoming a
member.

SEC. 2. *Be it further enacted*, That any person who may at any time hereafter actually become a member of, and unite in religious worship with said Baptist society, and give in his or her name to the clerk of the parish to which he or she did heretofore belong, with a certificate signed by the minister or clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Baptist society, fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from and after giving such certificate with his or her polls and estate, be considered as a member of said society. *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Manner of
leaving.

SEC. 3. *Be it further enacted*, That when any member of said society shall see cause to leave the same, and unite in religious worship with any other religious society in the town or parish in which he or she may live, and shall give in his or her name to the clerk of said Baptist society, with a certificate signed by the minister or clerk of the parish or other incorporated society with

which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or other incorporated religious society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving in such certificate, with his or her polls and estates, be considered as a member of the society to which he or she may so unite.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the towns of Limington or Limerick be, and he hereby is authorised and empowered to issue his warrant, directed to some suitable member of said society, to meet at such time and place as shall be appointed in said warrant, to choose all such officers as parishes in this Commonwealth are by law entitled to choose in the month of March or April annually.

Warrant to
be issued.

[This act passed June 25, 1811.]

CHAP. LXXX.

An Act to establish the Great Barrington and Alford Turnpike.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Jacob Van Deusen 1st. Lambert Burghardt, Joseph Pelton, Isaac Van Deusen 2d. Elias Arnold, Christopher French, Ebenczer Pope, Matthew Van Deusen, Jabez Turner, George Beckworth, and others, their associates, together with such other persons as may hereafter associate with them, be, and they hereby are made a corporation and body politic, by the name and style of The Great Barrington and Alford Turnpike Corporation, for the purpose of laying out and making a Turnpike road from the dwelling house of Ezekiel A. Mills in Great Barrington in the county of Berkshire, thence on the best route to or near the dwelling house of Isaac Van Deusen, at the foot of the monument mountain (so called); thence the best route to or near the dwelling house of Jacob Van Deusen, thence to or near the dwell-

Persons in-
corporated.

ing house of Captain Bethuel Seley ; thence to or near the dwelling house of John Scripture in Alford ; thence on the best route to the dwelling house of Andrew Race in Egremont ; from thence on the best route to the line of the state of New York, near the dwelling house of Philip Smith ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties contained in an act entitled, " An act defining the general powers and duties of Turnpike corporations," made and passed the sixteenth day of March in the year of our Lord one thousand eight hundred and five, and any acts which have been made in addition thereto.

One gate to
be erected.

SEC. 2. *Be it further enacted*, That when the road aforesaid shall be laid out, made, completed, and shall be approved by the Court for said county, which shall have jurisdiction on the subject of highways, at the time when said road is completed, the said corporation shall have power to erect one gate thereon, at such place as the said Court may order, and shall be entitled to receive such toll thereat, as by the act aforesaid is provided.

[This act passed June 25, 1811.]

CHAP. LXXXI.

An Act to establish the Court of Sessions.

Act repeal-
ed.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of September next, an act made and passed the nineteenth day of June in the year of our Lord one thousand eight hundred and nine, entitled " An act to transfer the powers and duties of the Court of Sessions to the Courts of Common Pleas, and for other purposes," be, and the same is hereby repealed ; and that all acts and parts of acts relative to the Courts of Sessions, which were in force at the time the act was in force which is hereby repealed, be, and the same are hereby revived from and after the said first day of September next.

SEC. 2. *Be it further enacted*, That from and after the first day of September next, all petitions, recogniz-

zances, warrants, orders, certificates, reports and processes, made to, pending in, taken for, or continued or returnable to the Courts of Common Pleas in the several counties of this Commonwealth, of which the Courts of Sessions had cognizance at the time of passing the act which is hereby repealed, shall be returnable to, entered, have day, be proceeded in and determined, by the respective Courts of Sessions, within and for the same counties at the term thereof which shall next be holden after the first day of September next, in the same way and manner as if the same had never been made returnable or transferred to the Courts of Common Pleas, and that all petitions, recognizances, warrants, orders, reports and processes which shall hereafter be made or taken, shall be made and taken to the Courts of Sessions within the respective counties at the term thereof, which shall be next holden after the first day of September next, in the same manner as they would have been made or taken to the said Court of Common Pleas, if this act had not been passed. *Provided however,* That the Clerks of the Courts of Common Pleas, in the several counties, shall be Clerks of the Courts of Sessions.

Powers and duties of Courts of Common Pleas transferred.

Proviso.

SEC. 3. *Be it further enacted,* That his Excellency the Governor, by and with the advice and consent of the Council, be, and he is hereby authorised to appoint and commission one Chief Justice, and not exceeding four, nor less than two other persons for any one county, who shall be Justices of the same Court in their respective counties; and the powers of the Courts of Sessions, who were in commission at the time of transferring their powers and duties to the Courts of Common Pleas shall cease from and after the passing of the act transferring said powers to the Courts of Common Pleas aforesaid.

Appointments of Justices.

[This act passed June 25, 1811.]

CHAP. LXXXII.

An Act to incorporate The President, Directors, and Company of the Merchants' Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That George Crowninshield, Jonathan Neal jun. William Cleaveland, Joshua Dodge, Henry Elkins, James Devereaux, John Hathorne, George Hodges, Robert Stone, William Fabens, Henry Prince, Peter Lander, Robert Stone jun. Timothy Bryant, William Silsbee, James Cheever, Joseph Sprague, John Deland, Stephen White, John Saunders, Butler Fogerty 2d. John W. Treadwell, John Crowninshield, George Crowninshield jun. George S. Johonnot, Gilbert Chadwick, William Lander, Jeremiah Shepard, Ebenezer Burrell, William Hathorn jun. James Bott, Hugh Ervin, John Foster, Thomas M. Woodbridge, Benjamin Cox, Thomas Whitteredge, and William Stearns, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the Merchants' Bank, and shall so continue from the first day of October next, for the term of twenty years next ensuing, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended in any Courts of Record, or any other place whatever, and also to make, have, and use a common seal, and to ordain, establish and put in execution, such by-laws, ordinances, and regulations, as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs; *provided*, such by-laws, ordinances, and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth, and the said corporation shall be always subject to the rules, restrictions, limitations, and provisions herein prescribed.

Persons in-
corporated.

Their pow-
ers.

Proviso.

SEC. 2. *And be it further enacted*, That the capital stock of the said Corporation, shall consist of a sum not less than two hundred thousand dollars, but the same may by the vote of the Stockholders, be increased to any

sum not exceeding three hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each. The two hundred thousand dollars of which shall be paid in at four equal instalments; the first, on the first day of October; the second, on the first day of January; the third, on the first day of April next; and the fourth, on the first day of July, which will be in the year of our Lord eighteen hundred and twelve. And the Stockholders, at their first meeting shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the Stockholders, their successors and assigns; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments to the amount of fifty thousand dollars and no more, at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, That nothing herein contained, shall restrain, or prevent the said corporation from taking and holding real estate in mortgage, or on execution to any amount as security for, or in payment of any debts due to the said corporation; *and provided further*, that no money shall be loaned on discounts made, nor shall any bills or promissory notes be issued from said bank until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Time of
paying in-
stalments.

Corporation
may hold
real estate.

Proviso.

SEC. 3. *And be it further enacted*, That the following rules, limitations, and provisions, shall form and be the fundamental articles of the said corporation:—

First, That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, exclusive of debts due on account of deposits, shall not exceed twice the amount of their capital stock actually paid in. Nor shall there be due to the said corporation at any one time more than double the amount of their capital stock actually paid in as aforesaid. In case of excess the Directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of

Rules, limi-
tations and
provisions.

debt may in such case be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation; and may be prosecuted to final judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods, or chattels of the same from being also liable for, and chargeable with said excess, such of said Directors who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act whereby the same was so contracted, or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence, or dissent, to the Governor and Council, and to the Stockholders at a general meeting, which they shall have power to call for that purpose.

Second. That the said corporation shall not vest, use, or improve any of their monies, goods, chattels, or effects in trade or commerce; but may sell all kinds of personal pledges lodged with them by way of security, to any amount sufficient to reimburse the sum loaned.

Third. That the lands, tenements, and hereditaments, which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business.

Fourth. None but a member of the said corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director, and the Directors shall choose one of their own number to act as President; and the Cashier before he enters on the duties of his office, shall give bonds with two sureties, to the satisfaction of the board of Directors, in a sum not less than twenty thousand dollars, with condition for the faithful discharge of the duties of his office.

Fifth. No Director of any other bank, shall be eligible to the office of Director of this bank, although he may be a stockholder therein. And any Director, accepting any office in any other bank, shall be deemed to have vacated his place in this bank.

Sixth. That for the well ordering the affairs of the said corporation, a meeting of the Stockholders shall be held

at such places as they shall direct, on the first Monday in annually, and at any other time during the continuance of the said corporation, and at such place, as shall be appointed by the President and Directors for the time being, by public notification, given one week previous thereto, at which annual meeting, there shall be chosen by ballot, nine Directors to continue in office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion, that is to say, for one share, one vote; and every two shares above one, shall give a right to one vote more; *provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorised in writing.

Seventh. The Stockholders may make the President such compensation, as to them shall appear reasonable.

Eighth. Not less than three Directors shall constitute a board for the transaction of business, of whom the President shall always be one, (excepting in cases of sickness or necessary absence, in which case the Directors present may choose a chairman for the time being in his stead.)

Ninth. All bills issued from the bank aforesaid, and signed by the President, shall be binding on the corporation; but it shall not be lawful for them to issue any bills of a less denomination than five dollars.

Tenth. The Directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the bank aforesaid.

Eleventh. The Directors shall have power to appoint a Cashier, Clerks, and such other officers for carrying on the business of said bank, with such salaries as to them shall seem meet.

Twelfth. In case any loss or deficiency of the capital stock shall arise from the official mismanagement of the Directors, the persons who are Stockholders at the time of such mismanagement, shall, in their private and individual capacities, be respectively liable to pay the same; *Provided however*, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him.

Thirteenth. In case the officers of said corporation in the usual banking hours at said bank, shall refuse or delay

payment in gold or silver of any note or bill of said corporation then presented for payment, the said corporation shall be liable to pay as additional damages at the rate of twenty-four per cent. per annum, for the time during which such payment shall be refused or delayed.

Fourteenth. The holders of the shares or stock in said corporation at the time when this act may expire, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bills, which may have been issued by said corporation, and which may then remain unpaid, in proportion to the stock which they may respectively hold.

SEC. 4. *And be it further enacted,* That the said bank shall be established and kept in the town of Salem.

Special committee empowered.

SEC. 5. *And be it further enacted,* That any committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation may thereupon be declared forfeited and void.

Manner of calling a meeting of stockholders.

SEC. 6. *And be it further enacted,* That the persons herein before named, or any three of them, are authorised to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place, as they may see fit, (by advertising the same for three weeks successively in the Essex Register and Salem Gazette), for the purpose of making, ordaining, and establishing, such by-laws, ordinances, and regulations, for the orderly conducting the affairs of the said corporation, as the said Stockholders shall deem necessary, and for the choice of the first board of Directors, and such other officers as they shall see fit to choose.

Directors required to transmit to authority.

SEC. 7. *And be it further enacted,* That it shall be the duty of the Directors of said bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amounts of the capital stock of said corporation.

and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier.

SEC. 8. *And be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank counterfeited, or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration. Counterfeit notes.

SEC. 9. *And be it further enacted*, That the said corporation, from and after the first Monday of October, in the year of our Lord one thousand eight hundred and twelve, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after each semi annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in. Tax. *Provided however*, That the same tax, payable in manner aforesaid, shall be required by the Legislature of all banks, that shall be hereafter incorporated within this Commonwealth; Proviso. *and provided further*, that nothing herein shall be construed to impair the rights of the Legislature to lay a tax upon any bank already incorporated, under the authority of this Commonwealth, whenever they may see fit so to do.

SEC. 10. *And be it further enacted*, That one tenth part of the whole funds of said bank, shall always be appropriated to loans, to be made to citizens of this Commonwealth, not resident in the town of Salem, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest, which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases. Proportion appropriated for loans.

SEC. 11. *And be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may

Obligation to
loan to the
Common-
wealth.

Proviso.

be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payments of interest, at a rate not exceeding five per centum per annum. *Provided however*, That the Commonwealth shall never at any one time stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of the capital stock actually paid in.

Common-
wealth may
become
stockhold-
ers.

SEC. 12. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe on account of the Commonwealth a sum not exceeding one hundred and fifty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations, and provisions as shall be by the Legislature made and established as to the management thereof.

[This act passed June 26, 1811.]

CHAP. LXXXIII.

An Act to repeal part of "An act to provide for the instruction of Youth, and for the promotion of good education."

WHEREAS the fifth section of said act provides that no settled minister shall be deemed, held, or accepted to be a school-master within the intent of the same act.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said provision as it respects settled ministers, be, and the same is hereby repealed.

[This act passed June 26, 1811.]

CHAP. LXXXIV.

An Act to incorporate the President, Directors and Company of the State Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Gray, Henry Dearborn, David Tilden, Russell Sturgis, John Brazer, and David Townsend, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of The President, Directors, and Company of the State Bank, and shall so continue from the first day of October next, until the first Monday in October which will be in the year our Lord one thousand eight hundred and thirty-one, and by that name shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended in any Courts of Record, or any other place whatever; and also to make, have, and use a common seal, and the same at pleasure again to break, alter and renew; and also to ordain, establish and put in execution, such by-laws, ordinances, and regulations, as to them shall appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs; *provided*, such by-laws, ordinances, and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth, and the said corporation shall be always subject to the rules, restrictions, limitations, and provisions herein prescribed.

Bank incor-
porated.

SEC. 2. *And be it further enacted*, That the capital stock of the said Corporation, shall consist of a sum not more than three millions of dollars, in gold and silver, to be besides such part as this Commonwealth shall subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in at five equal instalments; the first on the fifteenth day of October next, the second on the fifteenth day of April next, and the third on the fifteenth day of October, which will be in the year of our Lord one thousand eight hundred and twelve, the fourth on the fifteenth day of April, and the

Amount of
capital
stock.

Time of pay-
ing instal-
ments.

Corporation
may hold
real estate.

Proviso.

fifth on the fifteenth day of October, which will be in the year of our Lord one thousand eight hundred and thirteen. And the Stockholders at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation shall be binding on the stockholders, their successors and assigns until they shall otherwise determine; and the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments, to the amount of one hundred thousand dollars, and no more at any one time, with power to bargain, sell, and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, That nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on executions, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, That no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in and existing in gold and silver in their vaults, shall amount to six hundred thousand dollars, nor until the said capital stock actually in said vaults shall have been inspected and examined by three Commissioners to be appointed by the Governor for that purpose, whose duty it shall be at the expense of said corporation to examine and count the monies paid and actually existing in said vaults, and to ascertain by the oath of the Directors of said bank, or some of them, that said capital hath been bona fide paid in by the stockholders of said bank, and towards payment for their respective shares, and not for any other purpose, and it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

SEC. 3. *And be it further enacted*, That the following rules, limitations, and provisions, shall form and be the fundamental articles of the said corporation:—

First. That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the

amount of their capital stock actually paid in, exclusive of the sums due on account of deposits; nor shall there be due to the said corporation at any one time more than double the amount of the capital stock actually paid in as aforesaid. In case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation; and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for, and chargeable with said excess, such of said Directors who may have been absent when said excess was contracted, or created, or who may have dissented from the resolution or act whereby the same was contracted, or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence, or dissent, to the Governor and Council, and to the Stockholders at a general meeting, which they shall have power to call for that purpose.

Rules, limitations and provisions.

Second. That the said corporation shall not vest, use, or improve any of their monies, goods, chattels, or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned.

Monies not to be used in trade.

Third. That the lands, tenements, and hereditaments, which the said corporation shall hold, shall be only such as shall be requisite for the convenient transaction of their business.

Fourth. None but a member of the said corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director; and the Directors shall choose one of their own number to act as President; and the Cashier before he enters upon the duties of his office, shall give bonds with two sureties, to the satisfaction of the board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Person eligible as President.

Fifth. No Director of any other bank shall be eligible to the office of Director of this bank, although he may be a stockholder therein; and any Director, accepting any office in any other bank, shall be deemed to have vacated his place in this bank.

Annual
meeting of
stockholders
to be held.

Sixth. That for the well ordering the affairs of the said corporation, a meeting of the Stockholders shall be held at such places as they shall direct, on the first Monday in October annually, and at any other time during the continuance of the said corporation, and at such place, as shall be appointed by the President and Directors for the time being, by public notification, given fourteen days previous thereto, at which annual meeting there shall be chosen by ballot twelve Directors, to continue in office the year ensuing their election, and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportions, that is to say: for one share one vote, and every two shares above one, shall give a right to one vote more: *provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorised in writing.

President
may be paid.

Seventh. The Stockholders may make the President such compensation, as to them shall appear reasonable.

Eighth. No less than seven Directors shall constitute a board for the transaction of business, of whom the President shall always be one, (except in case of sickness or necessary absence, in which case the Directors present may choose a chairman for the time being in his stead.)

Bills not to
be issued
less than five
dollars.

Ninth. All bills issued from the bank aforesaid, and signed by the President, shall be binding on the corporation; but it shall not be lawful for them to issue any bills of a less denomination than five dollars.

Dividends.

Tenth. The Directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the bank aforesaid.

Eleventh. The Directors shall have power to appoint a Cashier, Clerks, and such other officers for carrying on the business of said bank, with such salaries as to them shall seem meet.

Twelfth. In case the officers of said corporation in the usual banking hours at said bank, shall refuse or delay payment in gold or silver of any note or bill of said cor-

poration there presented for payment, the said corporation shall be liable to pay as additional damages at the rate of twenty-four per cent. per annum, for the time during which such payment shall be refused or delayed.

Thirteenth. In case any loss or deficiency of the capital stock shall arise from the official mismanagement of the Directors, the persons who are Stockholders at the time of such mismanagement, shall, in their private and individual capacities be respectively liable to pay the same: *Provided however,* That in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him.

Fourteenth. The holders of the shares or stock in said corporation when this act may expire, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bills which may have been issued by said corporation, and which may then remain unpaid, in proportion to the stock which they may respectively hold.

SEC. 4. *And be it further enacted,* That the said bank shall be established and kept in the town of Boston aforesaid.

SEC. 5. *And be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding three hundred thousand dollars, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided however,* That the Commonwealth shall never at any one time stand indebted to said corporation, without their consent, for a larger sum than six hundred thousand dollars.

SEC. 6. *And be it further enacted,* That any committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults, and if upon such an examination it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature that said corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, and conditions,

in this act provided, their incorporation shall thereupon be declared forfeited and void.

Manner of
calling a
meeting of
stockhold-
ers.

SEC. 7. *And be it further enacted*, That the persons herein before named, or any three of them, are authorised to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, (by advertising the same for three weeks successively in the Boston Patriot and Independent Chronicle), for the purpose of making, ordaining, and establishing, such by-laws, ordinances, and regulations, for the orderly conducting the affairs of the said corporation, as the said Stockholders shall deem necessary, and for the choice of the first board of Directors, and such other officers as they shall see fit to choose.

Directors
required to
transmit to
authority.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Directors of said bank to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said corporation, and of debts due to the same, of the monies deposited therein, of the notes in circulation, and of the gold, silver, and copper coin, and the bills of other banks on hand, which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath before some person competent to administer the same.

SEC. 9. *And be it further enacted*, That in addition to the capital stock aforesaid of three millions of dollars, the Commonwealth may be interested in the said corporation to the amount of one million five hundred thousand dollars, whenever provision shall be made therefor by law, and the Commonwealth from the time of making any payment towards the capital of said bank, shall be entitled to their proportionate share of the profits and dividends arising from the amount thereof from said bank.

Counterfeit
notes.

SEC. 10. *And be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Tax.

SEC. 11. *And be it further enacted*, That the said corporation, from and after the first Monday of October, in the year of our Lord one thousand eight hundred and

twelve, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall at the time of said dividend have been actually paid in: *Provided however*, That the same tax, payable in manner Proviso. aforesaid, shall be required by the Legislature of all banks that shall be hereafter incorporated within this Commonwealth, from and after the said first Monday of October: *And provided further*, That nothing herein contained shall be construed to impair the right of the Legislature to lay a tax or excise upon any bank already incorporated, under the authority of this Commonwealth, whenever they may think proper so to do.

SEC. 12. *And be it further enacted*, That one tenth part of the whole funds of said bank shall always be Proportion appropriated for loans. appropriated to loans to be made to citizens of this Commonwealth, not resident in the town of Boston, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest, which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by a mortgage of real estate to the satisfaction of the Directors of said bank, for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeitures and right of redemption as is by law provided in other cases.

SEC. 13. *And be it further enacted*, That the Treasurer of the Commonwealth for the time being shall ex officio be a Director of said bank, in addition to the Directors by law to be chosen by the stockholders. State Treasurer to be Director ex officio. And that the Legislature shall have a right from time to time to appoint a number of Directors of the said bank in proportion as the sums paid from the Treasury of the Commonwealth, shall bear to the whole amount of the stock actually paid into the said bank, if at any time hereafter they shall judge fit to exercise that right.

[This act passed June 27, 1811.]

CHAP. LXXXV.

An Act to regulate Prisons within this Commonwealth.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That any person imprisoned for debt, on mesne process or execution, on giving bond with sufficient surety to the creditor or creditors, in double the sum for which he is imprisoned, conditioned that from the time of executing such bond he will not depart without the exterior bounds of the gaol yard or debtor's liberties, until lawfully discharged, or who is or shall be under bond for the liberty of the gaol yard as heretofore provided by law, may have a chamber and lodgings in any buildings belonging to the prisons by paying at the lawful rate, and may go into churches and other public buildings, and lodge in and occupy any apartments by night and day, and enter into and upon any estate and building within the exterior bounds of the gaol yard or debtor's liberties by a usual express or implied consent of owners; and all such apartments so lodged in or occupied, shall be considered a part of the prison limits.

Privileges
& limitation
of debtors.

SEC. 2. *Be it further enacted*, That the notification of imprisoned debtors on their creditors, may in all cases be served and returned by a sheriff, his deputy, or a constable.

SEC. 3. *Be it further enacted*, That any bond given agreeably to the provision of the first section of this act, shall be discharged and void when the principal shall surrender himself or be surrendered by his surety to the gaol keeper of the prison where the bond was given, excepting as to the right of the creditor or creditors to recover for a breach of such bond before such surrender, by suit instituted within one year from such breach; and such surrendered principal shall be in custody of the gaol keeper under the execution or writ on which the bond issued as fully as on the first commitment. *Provided*, That giving such bond shall entitle the person imprisoned to the same privileges after such surrender as on his first imprisonment.

Discharge of
bond by sur-
render.

Proviso.

SEC. 4. *Be it further enacted*, That this Act shall remain in force until the thirty-first day of January, in the year of our Lord one thousand eight hundred and thirteen, and no longer.

[This act passed June 27, 1811.]

CHAP. LXXXVI.

An Act supplementary to "An act to incorporate the President, Directors, and Company of the Merchants' Bank."

WHEREAS in the sixth article of the third section of the act to incorporate the President, Directors, and Company of the Merchants' Bank, a blank is left of the month, on which the annual meeting of the stockholders shall be holden. Therefore,

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said annual meeting ^{Annual} for the purposes specified in said article, shall be holden ^{meeting} on the first Monday of October annually.

[This act passed June 27, 1811.]



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JUNE, 1811.

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT

THE SEVERAL SESSIONS OF THE GENERAL COURT

HOLDEN IN BOSTON.

BEGINNING 31st. MAY, 1809, AND ENDING ON THE 27th. JANUARY, 1811.

PUBLISHED AGREEABLY TO A RESOLVE PASSED

JANUARY 20, 1808.



BOSTON :

PRINTED BY ADAMS, RHOADES & CO.

.....

1811.



Commonwealth of Massachusetts.

In the House of Representatives, 15th January, 1812.



RESOLVE,

Directing the manner in which the Laws and Resolves shall be printed in future.

Resolved, That the Laws of the Commonwealth which shall hereafter be passed, at the several sessions of the General Court, shall be printed in volumes of the royal octavo size ; each volume to contain not less than seven hundred pages, and to have suitable title pages and analytical indices, and that the laws passed from the beginning of the May session of one year to the beginning of the May session of the next succeeding year, shall be divided into chapters, and shall be printed together in the same volume, and until a volume of the laws shall from time to time be formed as aforesaid, temporary title pages and indices shall be added to the laws which shall be printed from session to session of the General Court.

And be it further resolved, That the resolves which shall be hereafter passed by the General Court, shall be printed in volumes of the same size, in the same manner, and with suitable title pages, running titles and indices.

And be it further resolved, That it shall be the special duty of the Secretary of the Commonwealth, to superintend the publication and printing of the laws and resolves of the General Court, as the same shall be passed at the respective sessions thereof, and to examine and compare the printed copies of such laws and resolves with the originals, and to print, and annex to the printed copies his certificate of such examination, and of the errors, if any, in such printed copies, to the end, that the laws and resolves of the Commonwealth may be duly and accurately promulgated.

RESOLVE.

And be it further resolved, That this resolve shall be prefixed to the printed copies of the laws which may be passed at the present session of the General Court, and shall also be prefixed to the next volume of the laws of the Commonwealth, which shall be printed in pursuance of this resolve.

And be it further resolved, That the laws which shall be passed at the present session of the Legislature, shall constitute a part of the fifth volume of the laws, and shall be paged, indexed, and divided into chapters accordingly.

Read and passed, and sent up for concurrence,
JOSEPH STORY, *Speaker*.

In Senate 15th January, 1812.

Read and concurred,
SAMUEL DANA, *President*.

Approved, 16th January, 1812.

E. GERRY.

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT AT THEIR SECOND SESSION,

COMMENCED

ON THE SECOND WEDNESDAY IN JANUARY,

ONE THOUSAND EIGHT HUNDRED AND TWELVE.



CHAP. LXXXVII.

An Act in addition to an act, entitled, "An act to incorporate the persons herein named, into a company, by the name of The Broad-Street Association, in the town of Boston."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act, entitled, "An act to incorporate the persons herein named into a company by the name of The Broad-Street Association, in the town of Boston," shall be, and the same hereby is continued in force until the first day of March, in the year of our Lord one thousand eight hundred and thirteen. Act continu-
ed.

[This act passed 22d January, 1812.]

CHAP. LXXXVIII.

An Act to change the name of Phillipsburgh in the County of York.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after passing this ed. Names of
town chang-

act, the town of Phillipsburgh, in the county of York, shall be called and known by the name of Hollis, and by no other name, any law to the contrary notwithstanding.

[This act passed 22d *January*, 1812.]

CHAP. LXXXIX.

An Act to incorporate Thomas Seargant Baylies and others, by the name of The Bristol Cotton Manufacturing Company.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas S. Baylies, William De Wolf, Eliphalet Williams, Thomas Howe, Joseph Haven, Levi De Wolf, George Pearce, Thomas Hill jun. Charles Harris, Richard D. Harris, Caleb Peck, Joseph C. Wheaton, and John Field jun. with such others as may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name and style of The Bristol Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Dighton in the county of Bristol, and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, one thousand eight hundred and nine, entitled, "An Act defining the general powers and duties, of Manufacturing Corporations."

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and possessed of such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, in said town of Dighton.

[This act passed 31st *January*, 1812.]

Persons in-
corporated.

May hold
property.

CHAP. XC.

An Act to provide for, and direct the manner of paying the Members of the House of Representatives, in future, out of the public Treasury.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in future, the members of the House of Representatives, shall be paid for their travel and attendance to, and during the session of the Legislature, in the same manner as the Council and Senate of this Commonwealth are paid, any law, usage or custom to the contrary notwithstanding, and that the said pay shall not be chargeable to their several towns.

Members of court paid from public treasury.

[This act passed 3d February, 1812.]

CHAP. XCI.

An Act to repeal an act, entitled, "An Act supplementary to an act, entitled, An act, to prevent damage by mischievous dogs," passed the twenty-eighth day of February, eighteen hundred and eleven.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an act passed the twenty-eighth day of February, eighteen hundred and eleven, entitled, "An act supplementary to an act, entitled, An act to prevent damage by mischievous dogs," be, and the same is hereby repealed.

Act repealed.

[This act passed 3d February, 1812.]

CHAP. XCII.

An Act directing the Secretary of this Commonwealth to give any certificates which may be necessary to procure the release of American Seamen, free of any charge.

Secretary
directed to
give certifi-
cates.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Secretary of this Commonwealth be, and is hereby directed, from and after the passing of this act, to give free of any charge whatsoever, any certificates that may be necessary to procure the release of American Seamen, impressed on board the ships of any foreign nation, any law or usage to the contrary notwithstanding.

Fees
refunded.

SEC. 2. *And be it further enacted,* That all fees heretofore received by the said Secretary for such certificates, and now in his hands, be paid over to the persons who advanced the same, if called for within two years.

[This act passed 3d February, 1812.]

CHAP. XCIII.

An Act supplementary to the several acts establishing the Courts of Sessions.

Clerk or
Sheriff pow-
er to adjourn
court.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when, from any cause whatever, all the Justices of the Court of Sessions in any county shall be prevented from attending the same court, at any term thereof, which now is, or hereafter may be appointed by law for holding any such court, then and in such case, it shall be the duty of the Clerk of the courts in such county, or in his absence, the Sheriff of the county, to adjourn such court from day to day, or to such time as may insure the attendance of one or more Justices of

the same court, and when such adjournment shall be made by the Sheriff of any county, he shall give notice thereof, to such Clerk, that so a regular record may be made thereof.

[This act passed 3d *February*, 1812.]

CHAP. XCIV.

An Act to establish the town of Bingham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township Number one, in the first range of townships within the Bingham purchase in the county of Somerset, be, and hereby is incorporated and established as a town, by the name of Bingham, within the following described boundaries, viz. Bounded south by the town of Solon, east by number two in the range aforesaid, north by number one in the second range, east of Kennebeck River, and west by Kennebeck River; and the inhabitants of the said town of Bingham are hereby vested with all the powers and privileges and subjected to the like duties and requisitions of other towns, according to the Constitution and Laws of this Commonwealth.

Bingham incorporated.
Boundaries.

SEC. 2. *And be it further enacted,* That any Justice of the Peace for the county of Somerset, is hereby authorised, upon application therefor, to issue a warrant directed to a freeholder and inhabitant of the said town of Bingham, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as towns are by law empowered and required to choose, at their annual town meetings.

Justice to issue warrant.

[This act passed 6th *February*, 1812.]

CHAP. XCV.

An Act to incorporate the district of Berlin into a town
by the name of Berlin.

Berlin incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the district of Berlin, in the county of Worcester, be, and hereby is incorporated into a town, by the name of Berlin, subject to the like duties and requirements, and vested with all the powers, privileges and immunities which other towns do, or may enjoy, agreeably to the Constitution and Laws of this Commonwealth.

Justice to is-
sue warrant.

SEC. 2. *Be it further enacted,* That either of the Justices of the Peace for the county of Worcester be, and he is hereby authorised to issue a warrant, directed to a freeholder, an inhabitant of the said town of Berlin, requiring him to notify and warn the freeholders and other legal voters thereof, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, as towns are by law required to choose and appoint at their annual town meetings.

[This act passed 6th February, 1812.]

CHAP. XCVI.

An Act to incorporate a number of persons in the County of Franklin, by the name of The Franklin Glass Factory Company.

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Ebenezer Hall, William Cobb, Jacob Rich, Benjamin Tuel, Samuel Fay, and Ebenezer Williams, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Franklin Glass Factory Company, for the purpose of

manufacturing window glass and hollow glass ware, in the county of Franklin, in said Commonwealth, and for this purpose shall have all the powers and privileges, ^{Powers and privileges.} and shall also be subject to all the duties, requirements, and disabilities, prescribed and contained in an act, entitled, "An act defining the general powers and duties of manufacturing corporations;" passed the third day of March, eighteen hundred and nine.

SEC. 2. *And be it further enacted,* That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding thirty thousand dollars, and personal estate not exceeding seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of glass in said county of Franklin. ^{May hold real estate.}

[This act passed 6th *February*, 1812.]

CHAP. XCVII.

An Act dividing the Commonwealth into Districts, for the choice of Counsellors and Senators.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the whole Commonwealth be, and hereby is formed and divided into eighteen districts, for the choice of Counsellors and Senators, in manner following; and that each district be, and hereby is directed and authorized to choose the number of Counsellors and Senators thereto respectively affixed, in manner directed by the Constitution and Laws of this Commonwealth, viz. ^{Commonwealth districts.}

The town of Boston, in the county of Suffolk, shall form one district, and choose five Senators.

The towns of Salem, Danvers, Marblehead, Lynn, Lynnfield, Andover, Salisbury, Haverhill, Amesbury, Methuen, and Middleton, in the county of Essex, and Chelsea in the county of Suffolk, shall form one district, and choose three Senators. ^{Towns forming districts.}

The towns of Ipswich, Newbury, Newburyport, Beverly, Rowley, Gloucester, Topsfield, Bradford, Boxford,

Wenham, Manchester and Hamilton, in the county of Essex, shall form one district, and choose two Senators.

The county of Middlesex shall form one district, and choose three Senators.

The towns of Springfield, Brimfield, South-Brimfield, Longmeadow, Wilbraham, Holland, Monson, Ludlow, Palmer, West-Springfield, Westfield, Southwick, Granville, Montgomery, Blanford, Chester, Russell and Tolland, in the county of Hampshire, shall form one district, and choose one Senator.

The towns of Hadley, Northampton, Worthington, Westhampton, Cummington, Williamsburg, Chesterfield, Greenwich, Easthampton, Belchertown, Norwich, Granby, Plainfield, Southampton, Ware, Middlefield, South Hadley, Goshen, Pelham, Hatfield and Amherst, in the county of Hampshire, shall form one district, and choose one Senator.

The county of Plymouth shall form one district, and choose two Senators.

The counties of Bristol and Norfolk shall form one district, and choose four Senators.

The county of Barnstable shall form one district, and choose one Senator.

The counties of Dukes' county and Nantucket, shall form one district, and choose one Senator.

The towns of Worcester, Mendon, Brookfield, Oxford, Charlton, Sutton, Spencer, New Braintree, Westborough, Uxbridge, Northbridge, Sturbridge, Hardwick, Western, Douglas, Grafton, Petersham, Upton, Dudley, Ward, Milford, Dana and Barre, in the county of Worcester, shall form one district, and choose two Senators.

The towns of Lancaster, Rutland, Oakham, Hubbards-ton, Southborough, Northborough, Lunenburg, Fitchburg, Harvard, Bolton, Berlin, Leominster, Holden, Royalston, Westminster, Athol, Templeton, Princeton, Ashburnham, Paxton, Sterling, Boylston, Gardner, Gerry, West Boylston, Shrewsbury, Winchendon and Leicester, in the county of Worcester, shall form one district, and choose two Senators.

The county of Franklin shall form one district, and choose one Senator.

The county of Berkshire shall form one district, and choose two Senators.

The county of York shall form one district, and choose two Senators.

The counties of Cumberland and Oxford shall form one district, and choose three Senators.

The counties of Lincoln, Hancock and Washington, shall form one district, and choose three Senators.

The counties of Kennebeck and Somerset, shall form one district, and choose two Senators.

[This act passed 11th *February*, 1812.]

CHAP. XCVIII.

An Act authorising the sale of the School Land in the town of Baldwin, in the county of Cumberland.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Josiah Peirce, Esq. Richard Fitch, David Potter, Ephraim Bachelдор, and Joseph Richardson, be, and they are hereby appointed trustees, to sell the School Lands in the town of Baldwin, and to put out at interest the monies arising from such sale, in manner hereinafter mentioned, and for that purpose. Trustees appointed.

SEC. 2. *Be it further enacted*, That the said trustees be, and they are hereby incorporated into a body politic, by the name of The Trustees of the School Fund in the town of Baldwin, in the county of Cumberland, and they and their successors shall be and continue a body politic and corporate by that name forever; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid. Incorporated.

SEC. 3. *Be it further enacted*, That the said trustees and their successors, shall and may annually elect a President and Clerk, to record the doings and transactions of the trustees at their meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, as hereinafter directed. Empowered to elect officers.

SEC. 4. *Be it further enacted*, That the number of trustees, shall not at any one time, be more than five, nor less than three; any three of their number to constitute a Number limited.

quorum for transacting business, and they shall and may from time to time fill up vacancies in their number, which may happen by death, resignation or otherwise, from the inhabitants of said town, and shall also have power to remove any of their number, who may become unfit and incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty, and to supply a vacancy so made by a new choice from the town aforesaid; and the said trustees shall annually hold a meeting in March or April, and as much oftener as may be found necessary to transact their necessary business, which meetings, after the first, shall be called in such way and manner, as the trustees shall hereafter direct.

Vacancies
supplied.

Time of
meeting.

Trustees
empowered
to sell.

SEC. 5. *Be it further enacted*, That said trustees be, and they are hereby authorised, to sell and convey in fee simple, all the school lands belonging to said town of Baldwin, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by the name of their Treasurer, by direction of said trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser, to all intents and purposes whatever.

Monies re-
ceived and
appropri-
ated.

SEC. 6. *Be it further enacted*, That the monies arising from the sale of said lands shall be put at interest as soon as may be, and secured by mortgage of real estate to the full value of the estate sold, or by two or more sufficient sureties with the principal; unless said trustees shall think proper to invest the same in bank stock of this Commonwealth, which they may do.

Trustees to
be directed.

SEC. 7. *Be it further enacted*, That said trustees shall annually apply the interest arising from the fund aforesaid, to the support of schools in said town, in such way and manner as the inhabitants thereof in legal town meeting shall direct. And it shall never be in the power of said town to alienate, or any wise alter the fund aforesaid.

Treasurer
to give
bond.

SEC. 8. *Be it further enacted*, That the Clerk of said corporation shall be sworn, previous to his entering on the duties of his office, and the Treasurer of the trustees shall give bond faithfully to perform his duty, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in his office,

SEC. 9. *Be it further enacted*, That the trustees or their officers, for any service they may perform, shall be entitled to no compensation, out of any money arising from the fund aforesaid, but if entitled to any, shall have and receive the same of said town as may be mutually agreed on.

Officers
compensa-
tion.

SEC. 10. *Be it further enacted*, That the said trustees and their successors shall exhibit to the town, at their annual meeting in March or April, a regular and fair statement of their doings, and said trustees, and each of them, shall be responsible to the town, for their personal negligence, or misconduct, whether they be officers or not, and liable to a suit, for any loss or damage arising thereby, the debt or damage recovered in such suit to be for the use aforesaid.

Trustees
directed to
exhibit ac-
counts annu-
ally.

SEC. 11. *Be it further enacted*, That Josiah Pierce Esq. be, and he hereby is, authorised to fix the time and place for holding the first meeting of said trustees and to notify each trustee thereof.

First meet-
ing directed.

[This act passed 11th *February*, 1812.]

CHAP. XCIX.

An Act to establish a Corporation by the name of The Trustees of the Baptist Seminary in West Springfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of West Springfield, in the county of Hampshire, a literary seminary by the name of The Baptist Seminary in West Springfield, for the purpose of promoting piety and virtue and for the education of youth in such languages, and in such of the liberal arts and sciences, as the trustees thereof shall from time to time judge the most useful and expedient, for the purposes of the said institution, and as they may accordingly order and direct.

Seminary es-
tablished.

SEC. 2. *Be it further enacted*, That the number of the said trustees shall never be more than fifteen, nor less than nine, five of whom shall be a quorum for doing

Trustees in-
corporated.

business, and the said trustees, who are by this act created a corporation, shall be, and hereby are declared to have perpetual succession with all the powers and privileges incident and usually given to and exercised, and enjoyed by other institutions of the like nature and purpose. And the said corporation may have and use a common seal, subject to change or alteration when they see cause; and all deeds or other instruments shall be sealed with said seal, and when signed, sealed, executed, acknowledged and delivered, by the Treasurer of the said corporation, shall be binding on the said corporation, and shall be good and valid in law.

Empowered
to elect offi-
cers.

SEC. 3. *Be it further enacted*, That the said trustees shall have power to elect by ballot, a Secretary and Treasurer, and to make such other appointments of officers, and of the principal and subordinate instructors, in the said seminary, as they may from time to time judge necessary; to fix the tenure of their respective offices, and to define their several powers and duties, to vacate the place of any trustee, officer, or instructor, when in their opinion, by reason of age, resignation, misconduct, or other cause, he has become incapable of discharging the duties of his office; and to fill all vacancies which may so happen, to fix the times and places for the meetings of the said corporation, and the mode of notifying the members, and to prescribe and establish such reasonable statutes and by-laws, as will best promote and cultivate a temper of subordination, and a just and mild government, in the said seminary, and to annex reasonable penalties, for neglect of duty, or a breach of the laws: *Provided however*, That such statutes and by-laws, shall never be repugnant to the constitution and laws of this Commonwealth.

Proviso.

Monies re-
ceived and
appropri-
ated.

SEC. 4. *Be it further enacted*, That all the monies, lands, or other property already subscribed, or which may be hereafter given, assigned, or transferred to the said trustees, for the use of the said institution, shall be received and held by them and their successors in office, in trust; and the said trustees, in behalf of said seminary, may also receive and hold in fee-simple, by gift, grant, demise, bequest or otherwise, any land, or other estate, real or personal, provided the annual income thereof shall not exceed the sum of fifteen thousand dollars; and the said trustees may sell and dispose of the same, and apply

the rents and profits thereof in such way as they may judge will be the most productive to the general interests of the said institution, and the promotion of literature. And the said trustees, in their corporate capacity, are hereby made capable in law to sue and be sued, in all actions real, personal, or mixed, and to prosecute and defend the same to final judgment and execution, by the name of The Trustees of the Baptist Seminary in West Springfield.

SEC. 5. *And be it further enacted*, That Benjamin Basset, Asahil Chapin, Stephen Chapin, Samuel Gill, Austin Goodyear, Benjamin Hastings, Caleb Humeston, Thomas Rand, and Noah Wolcot, be, and they hereby are appointed and declared to be the first and present trustees of the said seminary. And any Justice of the Peace for the county of Hampshire is hereby authorized, upon application therefor, to issue a warrant, directed to one of the before named trustees, requiring him to notify and warn a meeting of the said trustees, at such convenient time and place, as shall be expressed in said warrant, to organize the said seminary, by the election and appointment of its officers.

Trustees appointed.

Justice to issue warrant.

[This act passed 11th February, 1812.]

CHAP. C.

An Act to annex Isaac Walker and Joshua Brewer, with their families and estates, to the town of Tyringham.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Isaac Walker and Joshua Brewer, inhabitants of the town of New Marlborough, with their polls and estates, be, and they hereby are set off from the said town of New Marlborough, and annexed to the town of Tyringham, in the county of Berkshire, as described within the following limits, viz. Beginning at the north-east corner of the said town of New Marlborough, thence southerly on the line of Sandisfield, one hundred and fifty rods, to a stake and stones; thence north, fifty degrees west, two hundred and fourteen rods, to a

Persons set off to other town.

stake and stones upon the line between New Marlborough and Tyringham ; thence one hundred and seventy-six rods to the bounds first mentioned.

[This act passed 11th *February*, 1812.]

CHAP. CI.

An Act to incorporate Larned Corbin and others, by the name of The Merino Wool Factory Company.

Persons in-
corporated.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Larned Corbin, Jephthah Bacon, Aaron Tufts, Phinehas Bemis, and William Larned, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of The Merino Wool Factory Company, for the purpose of manufacturing wool and cotton in the town of Dudley, in the county of Worcester, and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act entitled, "An Act defining the general powers of manufacturing corporations," passed the third day of March eighteen hundred and nine.

May hold
estate.

SEC. 2. *Be it further enacted,* That the said corporation, in their corporate capacity, shall and may lawfully hold and possess real estate not exceeding fifty thousand dollars, and personal estate not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactory of wool and cotton in their various branches in said town of Dudley.

[This act passed 13th *February*, 1812.]

CHAP. CII.

An Act defining the duties of Sheriffs, Coroners and Constables in certain cases.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when any person imprisoned for debt, or any other cause, shall die in any county of this Commonwealth, it shall be the duty of the Sheriff or deputy Gaoler to deliver the body of such deceased person to his relations or friends, if they shall request it. And if no application be made for such body, it shall be the duty of the Sheriff, or deputy Gaoler, to bury the same in the common burying ground, and the expenses thereof shall be paid by the town in which such person had a legal settlement, if such person had been an inhabitant of this Commonwealth, otherwise the expenses aforesaid shall be paid out of the treasury of this Commonwealth.

Dead bodies
not attachable
by writ
&c.

SEC. 2. *Be it further enacted,* That if any Sheriff, Coroner, or Constable shall take the body of any deceased person, by virtue of any writ on mesne process or execution, upon conviction of such offence before the Supreme Judicial Court, or the Circuit Court of Common Pleas, within the county in which such offence shall have been committed, he shall be fined not more than five hundred dollars, or imprisoned for a time not exceeding six months.

Fine for the
same.

[This act passed 13th February, 1812.]

CHAP. CIII.

An Act to establish a Cotton and Wool Factory Company in the town of Frankfort.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Alexander Milliken, Seth Kempton, Abner Bicknell, George Hight, Thomas Persons incorporated.

U u u

Whittier, Isaac Milliken, and Davis Wasgatt, together with such others as may hereafter associate with them, and their successors and assigns, be, and they hereby are made a corporation, by the name of The Frankfort Cotton and Wool Factory Company, for the purpose of manufacturing cotton and wool in the said town of Frankfort, in the county of Hancock, and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties, requirements and disabilities prescribed and contained in an act, entitled, "An act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

SEC. 2. *Be it further enacted*, That the said proprietors, in their corporate capacity, shall, and may lawfully hold and possess, real estate not exceeding twenty thousand dollars, and personal estate not exceeding one hundred thousand dollars, for carrying on the manufacture of wool and cotton, in the said town of Frankfort.

[This act passed 13th February, 1812.]

Empowered
to hold
estate.

CAAP. CIV.

An Act making further allowance to the Judge of Probate for the county of Kennebeck, for his services.

Preamble.

WHEREAS the allowance to the Judge of Probate, for the county of Kennebeck, as by law established, proves to be an inadequate compensation^s for his services in that office.

Treasurer's
duty.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Treasurer of the county of Kennebeck, be, and he is hereby authorised and directed to pay the said Judge of Probate for the time being, such sum as together with the fees of office shall be equal to four hundred dollars per annum, provided that the said Judge shall keep an account of all fees, by him taken, in said office, and shall present said account attested by the Register of Probate, to the Treasurer of said county, at the end of each year.

[This act passed 13th February, 1812.]

CHAP. CV.

An Act subjecting the real estate of Banking Corporations to be taken in execution, and sold at public auction, for the payment of their debts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the lands, tenements or hereditaments of any bank already incorporated, or which may hereafter be incorporated by law, may be taken in execution, and sold at public vendue to the highest bidder; and in every such case, the officer who shall levy such execution shall be impowered to execute to the purchaser a good deed or deeds of any such lands, tenements or hereditaments, having first given notice of the time and place of sale, at least fourteen days previous thereto, in two or more public places, in the town or place where such lands or tenements lie, as also in two adjacent towns; and all deeds and conveyances of any such lands, tenements or hereditaments duly executed as aforesaid, shall be good and effectual in law to transfer to the purchaser, his heirs and assigns forever, all the right, title and interest therein, which belonged to said corporation; any law, usage or custom to the contrary notwithstanding.

Property of
banking cor-
poration
maybe taken
for debt.

SEC. 2. *Be it further enacted,* That the officer who may levy any such execution, shall be authorised and empowered to adjourn the vendue from time to time, not exceeding seven days at any one time, until the sale of such real estate shall be completed.

Officers
duty.

[This act passed 13th February, 1812.]

CHAP. CVI.

An Act to amend an act, entitled, "An act to establish the Fifteenth Massachusetts Turnpike Corporation."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, so much of the said Fifteenth Massachusetts Turnpike road, as lies north of where the said turnpike road intersects the county road leading from Great Barrington to Stockbridge in the county of Berkshire, being about three fourths of a mile in length, be, and hereby is discontinued, and the proprietors of the said Fifteenth Massachusetts Turnpike road be, and they hereby are exempted and released from keeping the said three fourths of a mile, of the said turnpike road in repair, any thing in the aforesaid act of incorporation to the contrary notwithstanding. *And it is also hereby further provided,* That the toll gates and the rates of toll, at the said gates, as established by the act aforesaid, shall be, and continue the same, as are allowed, in and by the act aforesaid.

SEC. 2. *And be it further enacted,* That the discontinuance aforesaid, shall in no manner affect any county road already laid out and established upon that part of said turnpike road discontinued as aforesaid; but any county road heretofore laid out, shall be, and remain a county road in future, in the same manner it would have done if the act establishing said turnpike corporation had not been passed.

[This act passed 13th February, 1812.]

Turnpike
road discon-
tinued.

Shall not
affect other
roads.

CHAP. CVII.

An Act in addition to an act, passed the twenty-sixth day of February 1811, entitled, "An act to establish the Baptist Society of Newbury and Newburyport.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of the meeting-house of The Baptist Society in Newbury and Newburyport be, and they hereby are authorised and empowered to sell and convey by private contract or public auction as they may think expedient, the walls of said meeting house, and the land under and adjoining the same, belonging to the said proprietors, and to apply the proceeds thereof in such manner as the said proprietors may think proper; and a deed of the premises aforesaid, executed by such person or persons, as by the vote of a legal proprietors' meeting may be appointed for such purpose, and duly acknowledged and recorded, shall be good and sufficient in law, to convey the said land and walls, and to pass the title thereof in fee simple to the purchaser.

Proprietors
authorised
to sell.

[This act passed 13th *February*, 1812.]

CHAP. CVIII.

An Act to authorise the sale of the Ministerial and School Lands in the town of New Sharon, and to incorporate certain persons by the name of The Trustees of the Ministerial and School Funds in the town of New Sharon.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Abel Baker, Samuel Bradley, Christopher Dyer, Thomas Fields, Daniel Gould, and Francis Mayhew, be, and they are hereby appointed Trustees to sell the Ministerial and School Lands, in the said town of New Sharon, in the county of Kennebeck,

Persons in-
corporated.

and to put out at interest the monies arising from such sale, in the manner hereinafter directed.

Trustees
empowered

SEC. 2. *Be it further enacted*, That the trustees before named be, and they are hereby incorporated into a body politic, by the name of The Trustees of the Ministerial and School Funds in the town of New Sharon, and that they and their successors shall be, and continue a body politic and corporate forever, and they shall have and use a common seal, subject to alteration at their pleasure. And by the name aforesaid they may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution.

Choice of of-
ficers.

SEC. 3. *Be it further enacted*, That the inhabitants of the said town of New Sharon, who are qualified to vote in town affairs, shall at their annual town meetings for the choice of officers, have the privilege to elect three persons, as associates with the beforenamed trustees, and after the said corporation shall be duly organized, according to the provisions of this act, one of the three associates, chosen as aforesaid, shall annually retire by lot, and the vacancy so made shall be supplied by a new election, so that one new member of the said corporation may be elected annually forever.

President
and Clerk,
how chosen.

SEC. 4. *Be it further enacted*, That the said trustees and their successors shall annually elect a President and a Clerk, to record the doings of the said trustees, and a Treasurer to receive and apply the monies herein mentioned, as hereafter directed, and any other needful officers for the better managing their business, and all such elections shall be by written votes.

Trustees to
supply va-
cancies.

SEC. 5. *Be it further enacted*, That the number of trustees shall never exceed nine, nor be less than six, any five of whom may be a quorum for doing business, and they shall have power from time to time, to fill up vacancies in their number, which may happen by death, resignation, or otherwise, and they shall also have power to remove any one of their number, who, from age, infirmity, misconduct, or any other cause, may become unfit or unable to discharge his duty, and to supply the vacancy so made by a new choice, from the inhabitants of the said town. And the said trustees shall hold a meeting annually in March, and oftener when it may be found necessary, to

perform their business, which said meeting, after the first, shall be notified and called, in such way and manner as the trustees at any meeting may direct.

SEC. 6. *Be it further enacted*, That the said trustees be, and they are hereby authorised to sell and convey the ministerial and school lands belonging to the said town of New Sharon, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds shall be subscribed by the Treasurer and countersigned by the Clerk, with the seal affixed, shall be good and effectual in law to convey the fee simple from the said town to the purchaser.

Trustees
authorised
to sell.

SEC. 7. *Be it further enacted*, That all monies arising from the sale of the said ministerial and school lands, in the said town of New Sharon, shall be put to use, as soon as may be, and secured by mortgage on real estate, to the full value of the property sold, or money loaned, or by two or more sureties, with the principal, unless the trustees shall think it more expedient to invest the same in public funded securities, or bank stock, at their discretion.

Empowered
to use funds.

SEC. 8. *Be it further enacted*, That the Treasurer of the said fund shall give bonds to the acceptance of the said trustees faithfully to perform his duty, and to be at all times responsible for the faithful application and expenditure of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in his said office: and the Clerk shall be sworn to the faithful discharge of his duty.

Treasurer
to give
bond.

SEC. 9. *Be it further enacted*, That it shall be the duty of the said trustees to keep distinct accounts of the monies accruing from the sale of the said school lands, from those of the ministerial lands, and of the interest arising therefrom respectively; which accounts they and their successors in office shall exhibit to the town, at their annual meeting in March or April; and the said trustees shall be entitled to no compensation from the funds aforesaid, but a reasonable compensation may be made to them, the Treasurer, or other officers, by the town, at their discretion.

Duty of
trustees.

SEC. 10. *Be it further enacted*, That the interest accruing on the monies, coming from the sale of the said ministerial lands shall be appropriated for the support of

Monies received and appropriated.

the gospel ministry in the said town of New Sharon : and the interest accruing on the monies coming from the sale of the said school lands shall be appropriated for the support of instruction in public free schools in the said town. And it shall never be in the power of the said town, to alienate or alter the appropriation of the said funds, provided in this act.

Trustees responsible.

SEC. 11. *Be it further enacted*, That the said trustees, and each of them, severally, shall be responsible to the town for their personal misconduct or neglect, whether they be officers or not, and liable to prosecution for any loss or damage to the said funds arising thereby, and the debt or damage recovered in such suit, shall be considered as belonging to the said funds, and applied accordingly.

Justice to issue warrant.

SEC. 12. *Be it further enacted*, That any Justice of the Peace for the county of Kennebeck, upon application therefor, is hereby authorised to issue a warrant to one of the trustees before named, requiring him to notify and warn the first meeting of the said trustees at such convenient time and place, as shall be appointed in the said warrant, to organize the said corporation, by the election and appointment of its officers.

[This act passed 13th *February*, 1812.]

CHAP. CIX.

An Act to incorporate a number of persons by the name of The First Baptist Society in Salisbury.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That Daniel Barnard, Joseph Boardman, Thomas Boardman, Thomas Boardman jun. Stephen Brown, Aaron Clough. Jacob Currier, Benjamin Currier, Richard Currier, Jacob Flanders jun. Joseph Flanders, Moses Flanders 3d, Nathan Flanders, Bennet Flanders, Samuel Follensbe, Ezekiel Fowler, Daniel Fowler, Thomas Frost, Moses Cill, William Goodridge, Henry Goodwin jun. Philip Gould, Allen Greeley, Moses Greeley, Stephen Greeley, William Huntington jun. Eliphalet Lowell, Jonathan Martin, Henry Maxfield,

Abraham Morrill jun. David Morrill, David Morrill jun. Samuel Morrill, John Morrill, Jonathan Morrill, Bradbury Morrill, William Morrill, Benjamin Morrill, James Quimby, Nathaniel Ring, Jeremiah Sawyer, Jabez True, Samuel A. Tucker, James Tucker, and Philip Wadleigh, with their families and estates, together with such as may hereafter associate with them, and their successors, be, and they hereby are incorporated and established as a distinct religious society, by the name of The First Baptist Society in Salisbury, with all the powers and privileges, usually exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any person belonging to any other religious society in the said town of Salisbury and Amesbury, who may desire to join in religious fellowship with the said Baptist society, and doth declare such desire and intention in writing to the minister, elder, committee, or clerk thereof, fifteen days at least prior to the annual meeting, and receive a certificate of membership signed by the said minister, elder, committee, or clerk, that he or she has actually become a member of, and doth statedly and constantly unite in religious worship with the said Baptist society in Salisbury, such person, from the date of such certificate, shall be considered with his or her polls and estate as a member of the said Baptist society, provided always that every person so joining the said Baptist society, shall give like notice of his intention to the committee or clerk of the society from which such person may secede.

Method of becoming a member.

SEC. 3. *Be it further enacted,* That when any member of the said Baptist society may see cause to leave the same, and to unite in religious worship with any other religious society in the said towns of Amesbury or Salisbury, and doth declare such desire and intention in writing to the minister, elder, committee, or clerk of such other society, fifteen days at least prior to the annual meeting thereof; and if such person doth receive a certificate of membership, signed by the minister, elder, committee, or clerk, such person from the date of such certificate, with his or her polls and estate, shall be considered a member of the said society. *Provided however,* That in every case of secession from one society and joining an-

Manner of leaving.
Proviso.

other, in the manner provided by this act, such person shall be holden to pay his or her tax or proportion of all assessments or other pecuniary parish charges assessed and not paid before such secession.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Essex is hereby authorised, upon application therefor, to issue a warrant directed to a member of the said Baptist society, requiring him to notify and warn a meeting thereof, at such convenient time and place, as may be appointed in the said warrant, to organize the said society by the appointment of its officers.

Justice to issue warrant.

[This act passed 17th *February*, 1812.]

CHAP. CX.

An Act to exempt Nehumkeag stream in the town of Pittston, from the operation of all the laws for regulating the fisheries in the river and county of Kennebeck.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the stream called Nehumkeag, in the town of Pittston, in the county of Kennebeck, be, and hereby is exempted from the operation of all the laws for the regulating the fisheries in the rivers and streams running into the river Kennebeck.

Act repealed.

[This act passed 17th *February*, 1812.]

CHAP. CXI.

An Act for continuing in force an act, entitled, "An act making a temporary alteration in the toll receivable on certain articles by the Proprietors of the upper Locks and Canals on Connecticut river, in the county of Hampshire."

BE *it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That the proprietors of the upper

Locks and Canals on Connecticut river, in the county of Hampshire, be, and they hereby are authorized to demand and receive hereafter the same toll on certain articles passing through their works which they were authorized to demand and receive by virtue of an act entitled, "An act making a temporary alteration in the toll receivable on certain articles by the proprietors of the upper Locks and Canals on Connecticut river in the county of Hampshire." Proprietors authorized to receive toll.
Provided however, That the toll hereby authorized to be received be subject to be regulated by the General Court, Proviso. according to the provision contained in the original act of incorporation, passed on the twenty-third day of February, in the year of our Lord one thousand seven hundred and ninety-two.

[This act passed 17th February, 1812.]

CHAP. CXII.

An Act to incorporate the Proprietors of the Birmingham Factory.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Benjamin Andrews, Amos Lawrence, and such other persons as may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation by the name and style of The Birmingham Factory, for the purposes of manufacturing cutlery, buttons, brass and plated furnitures, and various hard-wares within the town of Boston, or any where within seven miles of said town, and for this purpose shall have all the powers and privileges, and be subject to the duties and regulations contained in an act passed by the General Court March the third one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of manufacturing corporations." Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation may take and hold real estate not exceeding the value of eighty thousand dollars, and personal estate not exceeding the value of three hundred thousand dollars, for the pur- Possession of property allowed.

pose of establishing and carrying on the manufacturing of such wares as aforesaid.

[This act passed 17th *February*, 1812.]

CHAP. CXIII.

An Act determining the places for holding the Courts of Probate, and the town in which the Register of Probate shall keep his office, within and for the county of Franklin.

Times and
places for
holding.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, there shall be holden within and for the county of Franklin, in each year, a Court of Probate at the places hereafter mentioned, that is to say, at Greenfield eight times, at Charlemont twice, at Wendell twice, and at Conway twice, at such times and places in said towns as the Judge of Probate, for the same county, shall appoint.

Office, where
to be kept.

SEC. 2. *Be it further enacted,* That the Register of Probate for said county, shall hold and keep his office in the shire town of the same county.

[This act passed 17th *February*, 1812.]

CHAP. CXIV.

An Act to set off that part of the estates of Samuel Carr and Joseph Wingate respectively, which is situated in the town of Augusta, from said town, and to annex the same to the town of Hallowell, and to the first parish in said Hallowell.

Persons set
off to other
town.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That such part of the estate of Samuel Carr, and such part of the estate of Joseph Wingate, as is situated in the town of Augusta, be, and

the same is hereby set off from the town of Augusta and annexed to the town of Hallowell, and to the first parish in said Hallowell. *Provided*, That said Carr and Wingate shall be holden to pay all taxes already legally assessed upon them respectively, in the same manner as if this act had not passed. Proviso.

[This act passed 17th *February*, 1812.]

CHAP. CXV.

An Act to extend the charter of the Worcester and Fitzwilliam Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Worcester and Fitzwilliam Turnpike Corporation shall be allowed three years from the fifteenth day of June, one thousand eight hundred and twelve, for making and completing their said road, viz. from the north line of this Commonwealth, in the town of Royalston, near Graves' Mills, so called, to the dwelling-house of Eden Baldwin in Templeton, near Baldwin's mills.

[This act passed 17th *February*, 1812.]

CHAP. CXVI.

An Act for continuing in force an act, entitled, "An act making a temporary alteration in the toll to be received by the Proprietors of the Locks and Canals on Connecticut river."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the proprietors of the Locks and Canals on Connecticut river be, and they hereby are authorized hereafter to demand and receive the same toll that they were authorized to demand and receive by virtue of the act aforesaid, passed on the eighth day of March in Proprietors authorized to receive toll.

Proviso.

the year of our Lord one thousand eight hundred and five, and entitled, "An act making a temporary alteration in the toll to be received by the proprietors of the Locks and Canals on Connecticut river. *Provided however,* That the said toll be subject to be regulated by the General Court according to the provision for that purpose made, and contained in the original act of their incorporation.

[This act passed 17th *February*, 1812.]

CHAP. CXVII.

An Act to alter the name and title of an act passed February 24, 1810, incorporating Timothy Burbank and others by the name of The Agawam Cotton, Woollen, and Linen Manufactory.

Name altered.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the corporation aforesaid shall be allowed to take the name of The Agawam Manufacturing Company, and by that name shall hereafter be known instead of the aforesaid name.

Former law binding.

SEC. 2. *Be it further enacted,* That all acts, engagements, promises, and things heretofore done or entered into by said corporation, shall be as binding on the same as though this act had never been passed, any thing in the original act to the contrary notwithstanding.

[This act passed 18th *February*, 1812.]

CHAP. CXVIII.

An Act to repeal the second section of an act, entitled, "An act in addition to an act, in explanation of an act, entitled, An act in addition to an act, passed in the year of our Lord one thousand seven hundred and forty-one, entitled, An act to enable the Trustees appointed in His Majesty's High Court of Chancery to purchase houses and lands, and to improve the same for perpetuating the charity of the Honorable Edward Hopkins Esq. more effectually to secure the interest of their several tenants in possession of their Hopkinton and Upton lands, and the revenue of those lands to the College and Grammar School at Cambridge, according to the true intent of all parties, at the first settlement of that town."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the second section of the act entitled, "An act in addition to an act, in explanation of an act, entitled, An act in addition to an act, passed in the year of our Lord one thousand seven hundred and forty-one, entitled, An act to enable the Trustees appointed in His Majesty's High Court of Chancery to purchase houses and lands, and to improve the same for perpetuating the charity of the Honorable Edward Hopkins Esq. more effectually to secure the interest of their several tenants in possession of their Hopkinton and Upton lands, and the revenue of those lands to the College and Grammar School at Cambridge, according to the true intent of all parties, at the first settlement of that town," be, and the same is hereby repealed. Act repealed.

[This act passed 18th February, 1812.]

CHAP. CXIX.

An Act to incorporate the Trustees of the Ministerial Fund in the town of Watertown.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonas White, Levi Thaxter, Nathaniel R. Whitney, John Fowle, and Peter Clark, be, and they hereby are constituted and made a body politic and corporate, by the name of The Trustees of the Watertown Ministerial Fund : and they and their successors in office, shall by that name continue to be a body politic and corporate forever. And the said corporation shall have power to have and use a common seal, subject to alteration when they see cause ; and shall also be capable in law as a corporation, to sue and be sued, in any action, real, personal, or mixed, and prosecute and defend the same, to final judgment and execution, and may also pursue and oppose, settle and adjust, as well out of, as in any court of justice, all claims and demands in favour of, or against them in their said capacity, in such way and manner as they may think expedient.

Persons in-
corporated.

SEC. 2. *Be it further enacted,* That the said trustees, as soon hereafter as may be, and forever hereafter, in the month of March or April annually, shall elect one of their number as President, and whenever the said office shall become vacant, by death, resignation, or otherwise ; and shall also in the said month of March or April annually, elect a Clerk, and whenever the office of Clerk shall be vacant, whose duty it shall be to record the doings and proceedings of the said trustees at their regular meetings, in a book or books to be kept for that purpose : and the said trustees shall annually in said months of March or April, and at all other times, when one shall be wanting, choose a Treasurer to receive all monies and other property, and to keep and apply the same, as is hereinafter directed. And every Clerk and Treasurer, before entering upon his said office, shall be sworn, to the faithful discharge of the duties thereof, and a record thereof shall be entered in the books of the corporation.

Trustees
empowered.

SEC. 3. *Be it further enacted*, That the number of the said trustees shall not exceed seven, nor be less than five, a majority of whom shall constitute a quorum for doing business : and they may from time to time remove any of their number, who shall become unfit or incapable, through age, infirmity, misconduct, or any other cause, of discharging his duty ; and they shall within ten days after such removal, or after any vacancy shall happen, by death, resignation, or otherwise, give information thereof to the selectmen of said town, and the town at a legal meeting may fill up such vacancy or vacancies within three months after such information received : but if such vacancy or vacancies shall not be filled by said town within three months, then the remaining trustees may proceed to supply such vacancy from the inhabitants of the said town. And the said trustees shall annually in the months of March or April, hold a meeting to transact their business, and as much oftener as they may think proper.

Trustees to supply vacancies.

SEC. 4. *Be it further enacted* That it shall be, and it is hereby made the duty of the said trustees and their successors to use, manage and improve all the ministerial lands of said town, except that now occupied by the Rev. Richard Rosewell Elliot, in such way and manner as in their discretion and judgment will best obtain and secure the end of their incorporation : and also to manage and improve all such estate, real, personal, or mixed, as may hereafter come to them in their said corporate capacity, by gift, grant, devise, or otherwise, by operation of law, and which they are hereby made capable of receiving and holding in their said corporate capacity ; and they are also hereby authorized and empowered to lease, sell, or convey, in fee simple, or otherwise, all or any part of said ministerial land, or any other property which may hereafter come to them, in their said capacity, and for that purpose to make, execute, and acknowledge any good and sufficient deed or deeds thereof, which deed or deeds when signed by the President, and countersigned by the Treasurer, and sealed with their common seal, shall bind the said corporation and be valid in law, to convey such land or other property to the purchaser, according to the conditions and meaning of such instrument.

Authorized to improve lands.

SEC. 5. *Be it further enacted*, That the said trustees and their successors in office be, and they hereby are authorized and empowered, at the expense of said town of Watertown, to establish and make any road, street, lane, and passage ways upon and over any part of such land, as they now hold, or may hereafter hold, in their said corporate capacity, and the same to alter or discontinue, as they may think proper: *Provided*, they do not thereby infringe or impair the rights of any individual, who may hereafter become interested in the same lands, or of any other person whatever.

Trustees
empowered.

SEC. 6. *Be it further enacted*, That all money coming to the said trustees, in their corporate capacity, shall be loaned on interest, and secured by the bond or note of the borrower with sufficient sureties, or by his bond or note, with mortgage on real estate, to double the amount of the sum loaned, or they may invest all, or any part of said money, in public funded securities, or bank stock, as they may judge best; and whenever the annual interest or income of said ministerial fund, whether real or personal estate, shall amount to the sum of two hundred dollars, and upwards, the same shall be applied toward the support of the minister of said town, in such manner as said town may direct; and whenever the said interest or income shall amount to a sum more than sufficient to pay the salary of the said minister, the surplus thereof shall be added to the principal of the said fund, unless otherwise appropriated by said town; and the said town shall never have power to alienate, alter, or diminish the principal of said fund, or to change the appropriation thereof from the support of the minister of the said town.

Monies re-
ceived and
appropria-
ted.

SEC. 7. *Be it further enacted*, That the said Treasurer, before entering upon his said office, shall give to the said trustees and their successors, his bond, with good and sufficient sureties, in such sum as the said trustees shall require, for the faithful discharge of the duties of his said office, and the said Treasurer shall be the receiver of all monies and effects due, owing, or coming to said trustees, and he shall have the care and custody of all the money, effects, and all obligations, securities, and evidences of property belonging to the said trustees, to be accountable therefor, and shall render a fair and regular account of all his doings, and of the property and effects in his hands,

Treasurer to
give bond.

whenever the said trustees shall require it, and shall dispose of the same, as they shall order and direct, and shall deliver over to his successor in the same office, as soon as may be, all the books and papers, property, and evidences, of property, in his hands, in good order and condition.

SEC. 8. *Be it further enacted*, That the said trustees ^{Trustees} and their successors shall be liable to the said town ^{responsible.} of Watertown, in their own private property and persons, for any negligence or misconduct in their said capacity as trustees. *Provided however*, That no one of them shall be ^{Proviso.} so liable, who shall make it appear, that such negligence or misconduct did not in any way arise or happen through his own personal agency or omission, and the remedy of said town, shall be by an action of trespass on the case: and the said trustees and their successors shall in each and every year, in the months of March or April, at the annual meeting of said town, exhibit a fair statement of their proceedings and of the state of the funds under their management: and the said trustees, or others, for any services performed on the behalf of the said funds, shall not receive any compensation therefrom, but such allowance may be made to them, from time to time, as the said town may see cause, and order accordingly.

SEC. 9. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex is hereby authorized, upon application therefor, to ^{Justice to is-} issue his warrant, ^{sue warrant.} directed to one of the trustees before named, requiring him to notify and warn the first meeting of the said trustees, at such convenient time and place as shall be expressed in said warrant, to organize the said corporation, by the appointment of its officers.

[This act passed 18th *February*, 1812.]

CHAP. CXX.

An Act to incorporate The Castine Mechanic Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Scot, and all those ^{Persons in-} who have associated or may hereafter associate with him, ^{corporated.}

be, and they are hereby incorporated and made a body politic, by the name of The Castine Mechanic Association, and by that name shall be known in law, and shall be capable of suing and being sued, and shall have power to have and keep a common seal, to make by-laws for the election of their members and officers, the collection of assessments, the regulation of their meetings, and the appropriations of their funds, for charitable uses, but shall not have power to make by-laws, or regulations, for any other purpose whatever.

SEC. 2. *Be it further enacted*, That the said corporation shall have power, and shall be capable in law, to purchase, have, hold, use, possess, retain, and enjoy in fee-simple or otherwise, any personal or real estate, within this Commonwealth, not exceeding the value of fifteen thousand dollars in real estate, and fifteen thousand dollars in personal estate, and the same to sell, alien, and dispose of at pleasure.

SEC. 3. *Be it further enacted*, That the annual income of said corporation, shall only be employed for the purpose of relieving the distresses of unfortunate mechanics and their families, to promote inventions and improvements in the mechanic arts, by granting premiums for said inventions and improvements, and to assist young mechanics with loans of money.

SEC. 4. *Be it further enacted*, That the said corporation shall be, and continue for, and during the term of ten years, unless the Legislature shall within that time see fit to dissolve the same.

SEC. 5. *Be it further enacted*, That James Scot be, and he is hereby authorized and empowered to call the first meeting of said corporation, by giving notice of the time and place thereof, by posting up written notices, in Castine and Penobscot, thirty days at least before the time of such meeting.

[This act passed 18th February, 1812.]

May hold
estate.

Appropriation of annual income.

Limitation.

First meeting.

CHAP. CXXI.

An Act to annex John Nuting, and others, to the town of Amherst.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the land belonging to the town of Hadley, with the inhabitants thereon contained, within the boundaries hereafter mentioned and described, to wit, beginning at the south-west corner of Amherst, thence running the course of the west line of said Amherst, southerly until it intersects the north line of South Hadley; thence easterly by the north line of said South Hadley and Granby to the line of Belchertown; thence northerly by said Belchertown line to the south-east corner of said Amherst; thence by the southerly line of said Amherst to the first mentioned corner or bound, be, and hereby are set off from the said town of Hadley, and annexed to the said town of Amherst, and shall forever hereafter be considered as belonging thereto. *Provided nevertheless,* That the said John Nuting, and others, shall pay their proportionable part of all taxes, which are already assessed or levied on the said town of Hadley, in like manner as though this act had not passed.

Boundaries
fixed.

Proviso.

SEC. 2. *And be it further enacted,* That in all State taxes, which shall hereafter be granted until a new valuation shall be settled, one fortieth part of the taxes which would have been set to the said town of Hadley, according to the valuation adopted at the present session of the General Court, shall be taken therefrom, and set to the said town of Amherst.

[This act passed 18th February, 1812.]

CHAP. CXXII.

An Act in addition to an act, entitled, "An act to incorporate certain persons for the purpose of building a bridge over Connecticut river, between Sunderland and Deerfield, in the county of Hampshire."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Proprietors of the Sunderland bridge be, and they hereby are authorized and empowered to purchase and hold in their corporate capacity, such real estate, not exceeding in value two thousand dollars, as may be necessary to enable them to carry into effect the act to which this is in addition.

[This act passed 18th February, 1812.]

Possession
of property
allowed.

CHAP. CXXIII.

An Act to authorize and empower Benjamin Goodhue and others, or any, or either of them his associates, to build a bridge over the North river, in the town of Danvers, or to widen and repair a Dam at Trask's mills, (so called) in the town of Danvers, and for other purposes.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, Benjamin Goodhue, and others his associates, or any, or either of them, be, and they hereby are authorized and empowered to build a bridge over the North river, in the town of Danvers, at, or near a place called Trask's mills, in the town of Danvers, or to widen and repair the mill-dam at Trask's mills, so called, in Danvers. *Provided*, That the said Goodhue and others his associates, or any or either of them, who shall build the said bridge, or widen and repair said dam, shall do the same at their sole expense, and keep the same in repair, and open, and

Persons in-
corporated.

free from all obstructions to the public. *Provided also,* Proviso.
That they first obtain the consent of the owner or owners of said mills and dam, and do not infringe the rights of the owner or owners of said mill-dam, and that neither of the towns of Salem or Danvers shall ever be held to pay, or to be at any charge or expense in the building of the said bridge, or widening and repairing said dam, or keeping either of them in repair.

[This act passed 18th *February*, 1812.]

CHAP. CXXIV.

An Act to establish the town of Dearborn in the county of Kennebeck.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the plantation heretofore called Town incor-
West Pond, in the county of Kennebeck, as contained in the following described boundaries, shall be, and hereby is established a town, by the name of Dearborn, viz. east-
erly by the town of Waterville, southerly by the town of Boundaries
Belgrade, westerly by the town of Rome, and northerly by described.
the south line of the county of Somerset. And the inhabitants of the said town of Dearborn are hereby vested with all the powers and privileges, and subject to the like duties and requisitions of other incorporated towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *And be it further enacted,* That any Justice of the Peace for the county of Kennebeck is hereby authorized, upon application therefor, to issue a warrant, Justice to is-
directed to a freeholder and inhabitant of the said town of sue warrant.
Dearborn, requiring him to notify and warn the freeholders thereof, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

[This act passed 22d *February*, 1812.]

CHAP. CXXV.

An act to establish the town of Kingville, in the county of Kennebeck.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township numbered four in the first range of townships, north of the Waldo Patent, and in the county of Kennebeck, contained within the following described boundaries, with the inhabitants thereon, shall be, and hereby is established a town, by the name of Kingville, viz. easterly by the town of Dixmont, southerly by the north line of of the Waldo Patent to the town of Unity, westerly by the said town of Unity, and northerly by the township numbered five in the second range. And the inhabitants of the said town of Kingville are hereby vested with all the powers and privileges and subject to the like duties and requisitions of other towns, according to the constitution and laws of this Commonwealth. And the whole of the said town of Kingville be, and hereby is annexed to the county of Kennebeck.

SEC. 2. *And be it further enacted,* That any Justice of the Peace for the county of Kennebeck is hereby authorized, upon application therefor, to issue a warrant directed to a freeholder and inhabitant of the said town of Kingville, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

[This act passed 22d February, 1812.]

Town incor-
porated.

Boundaries
described.

Justice to is-
sue warrant.

CHAP. CXXVI.

An Act to establish The First Universal Society in
Salisbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Jonathan Morrill, Jonathan Morrill jun. Jacob Morrill, Henry Morrill jun. Ephraim Brown, Aaron Osgood, Peter Osgood, John Osgood jun. Richard Osgood, Philip Colby, Eliphalet Wadleigh, Ephraim B. Wadleigh, Enoch Wadleigh, Enoch Currier, Ezekiel Currier, David Currier jun. Ebenezer Jackson, Joseph Jewell, Benjamin Joy, Moses Carter, John P. Sweatt, German Senter, John Sanborn, Thomas Sanborn, Jonathan King, Isaac Knap jun. John Blasdell, Lowell Bagley, Stephen H. Bagley, Jacob Gale, Jonathan French, Edmund Barnard, Timothy Collins, Winthrop Collins, Daniel Curtis, William Davis, William Dennett, Isaac Chandler, Sargent Moody, John Hoyt, Thomas Hoyt jun. Edmund Sargent, William Nichols, Moses Nichols jun. Joseph Tuxbury, Samuel Hoyt, Bagley Carter, Nathaniel Wyer, Ebenezer Whitmore, John Bayley jun. Benjamin F. Russell, Enoch Smith, Joseph Hoyt jun. and John Butler, with their families and estates, be, and they hereby are incorporated as a distinct religious society, by the name of The First Universal Society in Salisbury, for religious purposes only, and as such shall have all the powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth. Persons in-
corporated.

SEC. 2. *Be it further enacted,* That any person who may desire to join in religious worship, and to become a member of the said Universal Society, shall have liberty so to do, by giving notice of such desire and intention in writing to the clerk of the society where such person has formerly attended on public worship, and also a copy of the said notice in writing to the clerk of the said Universal Society, fifteen days previous to the annual meeting, and such person, from the date aforesaid, with his or her polls and estate, shall be considered a member of the said Universal society. Method of
becoming a
member.

SEC. 3. *Be it further enacted*, That when any member of the said Universal society shall see cause to leave the same, and to unite with any other religious society, the like notice and process shall be made and given, mutatis mutandis, as is prescribed in the second section of this act. *Provided always*, That in every case of secession from one society and joining to another, the person so seceding shall be holden, in law, to pay his or her proportion of all parochial expenses assessed and not paid prior to leaving the said society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Essex is hereby authorized to issue a warrant directed to a member of the said Universal Society, requiring him to notify and warn the first meeting of the said society, to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such officers as religious societies are accustomed to choose and appoint at their annual meetings.

[This act passed 22d February, 1812.]

CHAP. CXXVII.

An Act to establish a Town by the name of Brewer.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the town of Orrington, in the county of Hancock, laying on the east side of Penobscot river, be divided, and that the northerly part thereof, (commonly known by the name of Knapp's square,) with the inhabitants thereon, be incorporated into a town by the name of Brewer, by the following bounds, viz. beginning at Nichols' rock (so called) on the easterly bank of Penobscot river, being the corner bounds between said Orrington and Eddington; thence south forty-eight degrees east to the easterly corner of said Orrington; thence south forty-two degrees west on the back line of said town six miles, or to the south-easterly corner of lot number eighteen in the third division of lands in said town; thence north forty-eight degrees west to the head of the front

Manner of leaving.

Proviso.

Justice to issue warrant.

Town incorporated.

Boundaries described.

lots ; thence by the head of the front lots to the north line of the widow Priscilla Brastow's lot ; thence by the north line of said lot to the river ; thence as the said river runs to the first mentioned bound, excepting three acres of land deeded by government to Jonathan Eddy Esq. And that the said town is hereby vested with the powers, privileges, and immunities which other towns do or may enjoy by the constitution and laws of this Commonwealth.

SEC. 2. *And be it further enacted*, That any Justice of the Peace for the county of Hancock be, and he is hereby authorized to issue his warrant directed to a freeholder and inhabitant of said town of Brewer, to notify the inhabitants of said town to meet at such convenient time and place as shall be appointed in said warrant, to choose such officers as towns are by law required to choose at their annual town meetings. Justice to issue warrant.

[This act passed 22d February, 1812.]

CHAP. CXXVIII.

An Act in addition to an act, entitled, "An act to establish a Corporation by the name of The Granville Turnpike Corporation," passed the twentieth of June, one thousand eight hundred and nine.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the said Granville Turnpike Corporation may, and they hereby are authorized to make said road eighteen feet in width, instead of twenty-four feet, as by the said act they were required, any law, usage, or custom to the contrary notwithstanding. Corporation authorized.

SEC. 2. *Be it further enacted*, That the Committee that shall be appointed to accept said road, shall also be authorized to appoint the place for erecting the gate. Committee authorized.

[This act passed 22d February, 1812.]

CHAP. CXXIX.

An Act to regulate the fishery in the town of West Cambridge, and to empower said town to dispose of the privilege of taking the fish called shad and alewives within the limits thereof.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the said town of West Cambridge shall at their annual meeting in March or April choose a committee not exceeding seven, nor less than three, freeholders of said town, who shall be sworn to the faithful discharge of the duty enjoined upon them by this act, and also the act to prevent the destruction of shad and alewives in Mystic river (so called) within the towns of Cambridge, Charlestown, and Medford. And it shall be, and it hereby is made the duty of the said Committee to cause the natural course of the rivers and streams to be kept open and without obstruction during the whole season the said fish pass up or down said rivers or streams, and to remove any such obstructions as may be found therein. And the said committee, or any two of them, paying or tendering a reasonable sum, if demanded, shall have authority in discharging the duties enjoined upon them by this act, to go on the lands of any person bounding on said rivers or streams without being considered trespassers; and any person who shall molest or hinder said committee, or either of them, in the execution of their duty, he or they so offending shall forfeit, for every such offence, a sum not exceeding ten dollars, nor less than two dollars, at the discretion of the Justice before whom the same shall be tried; and it shall be the duty of the said Committee to prosecute all breaches of this act, and for either of them to seize and detain in custody any net or seine found in the rivers or streams contrary to the true intent and meaning of this act, until the persons so offending make satisfaction for his offence, or is legally acquitted therefrom; and also to seize to the use of the town all such fish as they may suspect have been taken contrary to the provisions of this act, unless the person in possession can

Town to
choose com-
mittee.

their duty.

Penalty.

give satisfactory evidence to the committee that such fish were lawfully taken.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the town of West Cambridge, annually, at any legal meeting of the inhabitants of said town, to sell or otherwise dispose of the privilege of taking the fish called shad and alewives in any of the ponds, rivers, or streams issuing therefrom, within the limits of said town, so far as said town bounds on both sides of said rivers and streams, at such times only as is already provided by law to prevent the destruction of shad and alewives in Mystic river (so called) and the emoluments arising from the said privilege shall be appropriated, by the said town, to such purposes as the inhabitants thereof may in town meeting from time to time determine.

Town may dispose of privilege of taking fish.

SEC. 3. *Be it further enacted*, That if the purchaser or purchasers, manager or managers, or those employed by them, shall presume to take any of said fish at any other place than the said town shall appoint, and if any other person or persons whatever, except the purchaser or purchasers, manager or managers, of said privilege, or those employed by them, do presume to take any of the said fish in the said ponds, rivers, or streams within the town of West Cambridge, otherwise than may be allowed by said town, he or they, so offending, shall for each offence forfeit and pay a sum not exceeding thirteen dollars, nor less than two dollars, at the discretion of the Justice before whom the same shall be tried.

Penalty for taking fish contrary to law.

SEC. 4. *And be it further enacted*, That the penalties incurred by any breach of this act shall be recovered by an action on the case, before any Justice of the Peace within said county of Middlesex, allowing an appeal to the Circuit Court of Common Pleas of said county; and all sums of money recovered as forfeited by this act, shall be for the support of the poor of said town; and no person by reason of his being one of the fish committee, aforesaid or an inhabitant of the said town, shall be thereby disqualified from being a witness in any prosecution for a breach of this act.

for breach of law, how recovered.

[This act passed 22d *February*, 1812.]

CHAP. CXXX.

An Act to establish the Town of Fairhaven.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the easterly part of New Bedford, in the county of Bristol, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of Fairhaven, viz. beginning at the mouth of Acuchnot river; thence northerly by said river until it comes to the north side of a bridge at the head of said river; thence westerly by the north side of the highway to Swift's corner (so called); thence northerly by the easterly side of the highway which leads to Rounswell's furnace until it comes to Freetown line; thence easterly by the line of said Freetown till it comes to Peaked Rock (so called) in the northeast corner of the town of New Bedford; thence southerly by Rochester line till it comes to Buzzard's Bay; thence by said Bay to the first mentioned bound. And the said town of Fairhaven is hereby vested with all the powers, privileges, rights, and immunities, and subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That of all state and county taxes which shall be levied and required of said towns, previous to a new valuation, the said town of Fairhaven shall pay three tenth parts thereof.

SEC. 3. *Be it further enacted,* That all the expenses arising for the support of the poor of said town of New-Bedford, with which it is now chargeable, together with such poor as have removed out of said town prior to this act of incorporation, but who may hereafter be lawfully returned to said town for support, shall be divided between the two towns in proportion to the taxes which they are liable to pay respectively, according to this act.

SEC. 4. *Be it further enacted,* That John Hawes Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of Fairhaven, requiring

Town incor-
porated.

Boundaries
described.

Holden to
pay propor-
tion of taxes.

To support
poor.

Warrant to
be issued.

him to notify and warn the inhabitants thereof, qualified to vote for town officers, to meet at such convenient time and place as shall be expressed in his said warrant, to choose all such officers as towns are by law authorized to choose in the months of March or April annually. And that the said John Hawes Esq. be, and he hereby is authorized and empowered to preside at said meeting during the election of a moderator, and to exercise all the powers, and do all the duties which town clerks by law have and do perform in the elections of moderators of town meetings.

[This act passed 22d *February*, 1812.]

CHAP. CXXXI.

An Act to establish the Town of South Reading.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all that tract or parcel of land with the inhabitants thereon, which is within the bounds of, and known by the name of the first or south parish in Reading, in the county of Middlesex, as the same has heretofore been bounded and described, be, and the same is hereby incorporated and established as a town, by the name of South Reading, and the said town is hereby vested with all the powers and privileges, and also subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

Town incor-
porated.

SEC. 2. *Be it further enacted,* That the inhabitants of said town of South Reading shall be holden to pay all State, town and county taxes, which have been assessed upon them, prior to the passing of this act, and they shall also be holden to contribute and pay to the town of Reading, their just proportion of all debts, now actually due and owing by that town, and the said town of South Reading shall also be holden to support as nearly as may be its due proportion of all paupers who are now supported by said town of Reading, whether the same be in whole or part so supported, and after the organization of South Reading, such proportion of paupers shall be delivered to the overseers of that town to be supported, and maintained

Holden to
pay taxes.

by them accordingly. And in case any person not resident in Reading, but having a legal settlement therein, shall hereafter be returned to that town for support, in case such person derives his settlement from any person who has heretofore resided in that territory, now established as South Reading, then and in such case, such poor person shall be returned to, and be liable to be maintained by South Reading, provided that such town shall in no case be chargeable with the support of any paupers who would not have been chargeable to said town of Reading.

Justice to is-
sue warrant.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Middlesex is hereby authorized, upon application therefor, to issue a warrant directed to a freeholder and inhabitant of said town of South Reading, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the warrant, to choose such officers as towns are by law empowered and required to choose at their annual town meeting. *Provided*, that the said town of South Reading shall be holden, until the further order of the Legislature, to pay to the town of Reading, such proportion, if any, of the expenses of maintaining the bridges and causeways over Ipswich river, within said town, as a committee of the Court of Sessions for said county shall determine, and said Court of Sessions are hereby authorized, on the application of either of the inhabitants of Reading or South Reading, from time to time, to appoint a committee for the above purpose, whose report, made to and accepted by said court, shall be binding on the said towns.

[This act passed 25th *February*, 1812.]

CHAP. CXXXII.

An Act regulating the annual allowance to the Judge of Probate for the county of Hancock, for his services in said office.

Preamble.

WHEREAS the fees of the Judge of Probate for the county of Hancock, as by law established, prove to be an inadequate compensation in that office.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Treasurer of the county of Hancock ^{Treasurer authorized.} be, and he is hereby authorized and directed to pay the said Judge of Probate for the time being, such sum, as, together with the said fees, shall be equal to two hundred and fifty dollars annually. *Provided,* that the said Judge ^{Proviso.} shall keep an account of all the fees by him taken in said office, and shall present such account, attested by the Register of Probate, to the Treasurer of said county, at the end of each year.

[This act passed 25th *February*, 1812.]

CHAP. CXXXIII.

An Act to establish the Town of Phillips, in the county of Somerset.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township number three on the Sandy river, commonly called Curvo, in the county of Somerset, as described within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of Phillips, viz. beginning at a hemlock tree, standing in the west line of the township granted to the sufferers of Portland, and at the ^{Town incorporated.} northeasterly corner of township number two; thence running south seventy-five degrees west, six miles two hundred and thirty-four rods, to a beach tree; thence running north ten degrees west, four miles one hundred and ninety-four rods, to a hemlock tree; thence running north seventy degrees east, by Commonwealth's land, six miles and one hundred and ninety rods, to a hemlock tree standing in the south line of the million acres, sold to William Bingham Esq.; thence running east on the line last mentioned, three hundred and sixty-five rods, to a maple tree; thence running south by the township granted to the sufferers of Portland, five miles and a quarter, to the bounds first mentioned. And the said town of Phillips ^{Boundaries fixed.}

is hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions, to which other towns are entitled or subjected to, by the constitution and laws of this Commonwealth.

Justice to is-
sue warrant. SEC. 2. *And be it further enacted,* That any Justice of the Peace, for the county of Somerset is, hereby authorized to issue a warrant, directed to some inhabitant of the said town of Phillips, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

[This act passed 25th *February*, 1812.]

CHAP. CXXXIV.

An Act to annex John Harris to the Third Parish in Roxbury.

Land set off. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Harris of Brookline, and one acre of land with the buildings thereon, for parochial purposes only, be, and hereby are set off from the town of Brookline, and annexed to the third parish in Roxbury, there to do the duties, and enjoy the privileges of a parishioner. Proviso. *Provided*, the said John Harris shall be holden to pay all arrears of assessments, and all other parish charges, due and unpaid at the passing of this act.

[This act passed 25th *February*, 1812.]

CHAP. CXXXV.

An Act to empower the inhabitants of the First Parish in Bath to raise money for parochial purposes, by taxing the pews in their meeting-house.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the inhabitants of the first parish in the town of Bath, in the county of Lincoln, be, Inhabitants empowered. and they hereby are empowered to raise the whole, or any part of any sum of money which the said inhabitants may hereafter vote to raise for the purpose of repairing and finishing their meeting-house, paying their minister's salary, and paying the debts and incidental charges of said parish, by a tax on the pews which now are, or which may hereafter be erected in the new meeting-house, belonging to said parish, and that the said inhabitants, at their meeting in March or April annually, shall determine whether they will raise the whole amount voted by them by such a tax, and if not the whole, what proportion they will so raise, and if they shall determine to raise a part only by such tax, then the remainder shall be raised by an assessment on the polls and estates of said parish as heretofore.

SEC. 2. *And be it further enacted,* That for the equitable apportionment of the taxes to be assessed on said pews, the inhabitants of said parish shall cause a valuation thereof, to be made by a committee, to be chosen by them for that purpose, and the report of that committee, stating the number and value of said pews, shall, when accepted, be binding on all persons interested for the purposes of taxation as aforesaid, until a new valuation shall in like manner be made and accepted. Committee to make valuation. And the sums voted to be raised on said pews, from time to time, shall be assessed and apportioned thereon by the assessors, for the time being, according to such valuation.

SEC. 3. *And be it further enacted,* That the assessors of said parish shall make out a fair list of the taxes assessed on pews according to this act, and commit the said list to the treasurer of the parish, to receive and collect the said taxes; and it shall be the duty of the Treasurer of said Duty of assessors.

parish, as soon after receiving the said list of taxes on pews as may be, to give notice thereof, by posting a copy of said list at the meeting-house door, stating the number of each pew, and the amount of tax set against it, with a notification written thereon, for all persons interested in said pews to pay the tax upon the same within thirty days from the date of said notification, and if the tax on any pew shall not be paid to the Treasurer, according to his notification as aforesaid, it shall be the duty of the Treasurer, and he is hereby empowered, to sell the pew upon which such tax, or any part thereof, shall remain unpaid, at public auction, to the highest bidder, and his certificate or bill of sale to the purchaser, recorded in the records of said parish, shall give to the purchaser a perfect right and title to said pew, and he shall afterwards be considered the legal owner thereof. *Provided however,* That the Treasurer shall, after the expiration of said thirty days, give at least ten days notice of the time and place of such vendue, by posting up one advertisement, stating the number of the pew to be sold, and the amount of tax due upon it, with the time and place of sale, at said meeting house, and one other similar advertisement at the post office in said town.

Pews of delinquents may be sold.

Proviso.

Treasurer's duty and power.

SEC. 4. *And be it further enacted,* That the assessors of said parish, for the time being, may order the treasurer to receive and collect the taxes aforesaid by instalments, of which it shall be the duty of the treasurer to give notice; but in case any owner or occupant shall neglect to pay an instalment, so that it become necessary to sell the pew, the treasurer shall retain from the proceeds of the sale the whole amount of tax assessed and due upon such pew. And in case an adjournment of the sale shall appear necessary to the treasurer, he may adjourn his sales for a time, not exceeding four days at a time, till they be completed; and in all cases he shall pay over to the owners of pews, on demand, the balance in his hands arising from such sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same.

[This act passed 25th *February*, 1812.]

CHAP. CXXXVI.

An Act authorizing the sale of a part of the Ministerial Lands in the first parish in the town of Standish.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the auothority of the same, That Deacon Jonathan Philbrick, Mr. Bryan Martin, Edward Thompson, Daniel Crane jun. and John Sanborn, be, and they hereby are appointed trustees, to sell and dispose of all the Ministerial Lands belonging to said parish, except the thirty acre lot, whereon the meeting-house stands, and to put out at interest the monies arising from such sale, in manner hereinafter mentioned. Trustees appointed.

SEC. 2. *Be it further enacted,* That the said trustees be, and they are hereby incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the first parish in the town of Standish, in the county of Cumberland; and they and their successors shall be, and continue a body politic and corporate by that name forever, and they shall have a common seal, subject to be altered at their pleasure, and they may sue, and be sued in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid. And said trustees shall, and may annually elect a President, and Clerk to record the doings and transactions of the trustees at their meetings, and a Treasurer to receive and apply the monies hereafter mentioned, as hereinafter directed. Incorporated.

SEC. 3. *Be it further enacted,* That the number of trustees shall not at any one time be more than five, nor less than three, any three of their number to constitute a quorum for transacting business, and they shall, and may from time to time fill up vacancies in their number which may happen by death, resignation, or otherwise, from the members of said first parish, and shall also have power to remove any of the number who may become unfit and incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty, and to supply a vacancy so made, by a new choice from the parish aforesaid; and Trustees to supply vacancies.

the said trustees shall annually hold a meeting in the month of March or April, and as much oftener as may be found necessary to transact their necessary business, which meetings after the first, shall be called in such way and manner as the trustees shall hereafter direct.

Trustees
empowered.

SEC. 4. *Be it further enacted*, That said trustees be, and they hereby are authorized to sell and convey, in fee simple, all the ministerial lands belonging to said parish, (excepting the thirty acre lot, whereon the meeting house stands); and to make, execute and acknowledge, a good and sufficient deed or deeds thereof, which deed or deeds subscribed by the name of their Treasurer, by direction of said trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said parish to the purchasers, to all intents and purposes whatever.

Monies re-
ceived and
appropriat-
ed.

SEC. 5. *Be it further enacted*, That the monies arising from the sale of said lands, shall be put at interest, as soon as may be, and secured by mortgage of real estate, to the full value of the estate sold, or by two or more sufficient sureties, with the principal, unless the trustees shall think it best to invest the same in bank stock of this Commonwealth, which they may do.

Support of
minister.

SEC. 6. *Be it further enacted*, That the interest arising from the sale of said ministerial lands shall be annually applied towards the support of the minister, now settled in said parish, or which may hereafter be settled there, and so long as said parish shall remain without a settled minister, the interest aforesaid shall be put out at interest, and secured as aforesaid, to increase said fund, until there be a re-settlement of a minister; and it shall never be in the power of said parish to alienate or any wise alter the fund aforesaid.

Trustees
responsible.

SEC. 7. *Be it further enacted*, That the clerk of said trustees shall be sworn previous to his entering on the duties of his office, and the treasurer of the trustees shall give bond to the said first parish, faithfully to perform his duty, to be at all times responsible for the faithful application and appropriation of the money which may come into his hands, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in his office.

SEC. 8. *Be it further enacted*, That the trustees, for the services they may perform, shall be entitled to no com-

pensation out of any money arising from the fund aforesaid; but if entitled to any, shall have and receive the same of the parish, as shall be mutually agreed on. And said trustees and their successors shall exhibit to the parish at their annual meeting in March or April, a regular and fair statement of their doings; and said trustees and each of them, shall be responsible to the parish for their personal negligence or misconduct, whether they be officers or not, and liable to a suit for any loss or damage arising thereby, the debt or damage recovered in such suit, to be for the use aforesaid.

Trustees directed to exhibit accounts annually.

SEC. 9. *Be it further enacted*, That Edward Thompson be, and he hereby is authorized to fix the time and place for holding the first meeting of the trustees, and to notify each trustee thereof.

[This act passed 25th February, 1812.]

CHAP. CXXXVII.

An Act for dividing the county of Hampshire, and erecting and forming the southerly part thereof into a separate county, by the name of Hampden.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the county of Hampshire be, and hereby is divided; and the following towns, in the southerly part thereof be, and hereby are erected and formed into a county by the name of Hampden, that is to say, Springfield, Longmeadow, Wilbraham, Monson, Holland, Brimfield, South Brimfield, Palmer, Ludlow, West Springfield, Westfield, Montgomery, Russell, Blanford, Granville, Southwick, Tolland, and Chester, of which Springfield shall be the shire town; and that all that part of said county of Hampshire, included within the boundaries of the towns before mentioned, shall be deemed and taken to compose the said county of Hampden. And the inhabitants of the said county of Hampden shall have, use, exercise and enjoy all such powers, rights, privileges, and immunities, as by the constitution and laws of this Com-

County erected.

Towns included.

monwealth, other counties within the same have, use, exercise and enjoy.

SEC. 2. *And be it further enacted*, That the said county of Hampden shall belong to, and be comprehended within the Western Circuit of the Circuit Court of Common Pleas, and that there shall be held and kept within and for said county of Hampden, a Circuit Court of Common Pleas, to sit at Springfield aforesaid, at such times, in each year, as shall be established by law; and the Justices which compose the Circuit Court of Common Pleas for the Western Circuit, shall have, hold, exercise, and enjoy, within said county of Hampden, all the powers which are given to, and are lawfully exercised by them in other counties within said Western Circuit; and all appeals from any judgment, order, or decree of said Circuit Court within said county of Hampden, shall be heard and tried at the Supreme Judicial Courts hereafter to be holden, as by law shall be provided, within and for said county of Hampden.

SEC. 3. *And be it further enacted*, That all causes which may be pending by appeal, writ of error, certiorari, or otherwise, in the Supreme Judicial Court within said county of Hampden, and which are by law required to be heard, tried, and decided upon, by three or more of the Justices of the Supreme Judicial Court, shall and may be heard, tried, and decided on by such Supreme Judicial Court, which is now by law to be holden annually in the said county of Hampshire; and that writs of error, certiorari, and other suits, writs or processes, which by law are to be heard and determined by three or more of the Justices of said Supreme Judicial Court, and which are brought and sued out, on any suits or proceedings in any of the courts of the said county of Hampden, or on any matters originating within the same county, may be brought and made immediately returnable to such Supreme Judicial Court, next to be holden at said Northampton, and by three or more of the Justices thereof, heard and determined; and all appeals from any order, decree, or doings of the Judge of Probate for the said county of Hampden, shall be made to the Supreme Judicial Court next to be holden at said Northampton by three or more Justices of said court. And the Clerk of the Supreme Judicial Court, in the said county of Hampden, shall attend all such Supreme Judicial Courts to be holden at said Northampton, at

Court of
Common
Pleas estab-
lished.

Jurisdiction
of Supreme
Judicial
Court.

which three or more of the Justices thereof are required to attend, with all the papers in his office filed in, and relating to any causes pending in the Supreme Judicial Court in the county of Hampden, and in which any bills of exceptions are filed, or any motions for new trials made, or in which any question is reserved for the opinion of such Supreme Judicial Court; and the said clerk, on the first day of the sitting of such court, and at the opening thereof, shall exhibit to, and furnish the Justices thereof with a list of all such causes, and shall make and keep a record of the doings of the same court, relative to all such causes; and the Justices of the same court may, and hereby

Justices
authorized

SEC. 4. *And be it further enacted*, That the Register of Deeds in the Southern District for the registering of deeds in the county of Hampshire, and by this act included in said county of Hampden, shall continue to hold his said office during the term for which he was chosen; and after this act shall take effect, shall be Register, for the registering of all deeds and conveyances of lands, and of executions levied on lands, and all other instruments required by law to be registered for the said county of Hampden, during the term for which he was chosen for said Southern District, and shall thenceforward be holden to pay over to the Treasurer of the said county of Hampden, the duties by law payable on the registering of deeds and other conveyances in the said registry; and shall, as soon as may be after a Treasurer of said county of Hampden shall be appointed or chosen, make and execute a bond to such Treasurer, according to the law in that behalf made.

Register
may hold his
office.

SEC. 5. *And be it further enacted*, That all officers within the said county of Hampden, having authority to commit prisoners to jail, shall be authorized, for the term of five years, to commit their prisoners to the jail in the county of Hampshire; and all writs of execution, warrants, mittimus-

Officers au-
thorized
respecting
Prisoners.

ses, and precepts of every kind, issued by lawful authority in said county of Hampden, or against any person in the same, and directed to any officer within said county of Hampden, and in which the place of commitment is required to be, or is usually mentioned, shall be made conformable to the authority hereby given to the officers aforesaid, during the said term, unless before the expiration of said term of five years a jail shall have been erected within said county of Hampden, and by the proper court declared to be in a state fit for the reception and confinement of prisoners; and the keeper of said jail, at said Northampton, be required, at the opening of each Supreme Judicial Court, and of each Circuit Court of Common Pleas in said county of Hampden, to lay before the same a list of all prisoners then in his custody, and committed to the said jail pursuant to the authority herein given; and that the keeper of said jail be required to keep and detain all such prisoners until delivered therefrom by order or due course of law; and that the courts aforesaid, so to be holden in said county of Hampden, be, and hereby are authorized to direct the Sheriff of said county of Hampden, or his deputy, to take from said jail any prisoner committed as aforesaid to said jail, for any crime committed within said county of Hampden, and him detain, keep and have before such courts, that such prisoner may be dealt with according to law, or may order such prisoner to be discharged, where no cause of detaining him in jail exists; and that said courts, and any Justice of the Peace for said county of Hampden, when imprisonment may be a part of any sentence passed on any person convicted of any crime, may order such person to be imprisoned in the jail aforesaid, or that he there be detained until he pay any fine and cost imposed on him by any of said courts; and that said jail be, to all intents and purposes, for the term aforesaid, a jail, as well for said county of Hampden as for said county of Hampshire; and that said county of Hampden be chargeable with all the expenses arising from any prisoners there committed from said county, in the same manner as other counties are, in regard to their own jails.

Duties of
jail keeper.

Sheriff
authorized.

Residence of
Justices.

SEC. 6. *And be it further enacted*, That the Justices of the Peace for the county of Hampshire, who shall, upon the division of the same, reside in the county of Hampden, shall be, and are hereby declared to be Justices of the

Peace for said county of Hampden, during the time for which they were appointed and commissioned, unless removed from office, according to the provision in the constitution in that respect.

SEC. 7. *And be it further enacted*, That all assessments of county taxes already made, or which may be made in said county of Hampshire, and upon the several towns therein, before this act takes effect, shall be paid to the Treasurer of said county of Hampshire; and the said Treasurer is hereby authorized to enforce the payment thereof, as well after this act takes effect as before, as in manner by law prescribed. Treasurer authorized.

SEC. 8. *And be it further enacted*, That the Clerk of the courts in said county of Hampden be, and hereby is required and authorized to issue venuries for Jurors, to such towns as he shall think proper, in said county, until the said county shall be districted by the Court of Sessions for said county, for that purpose. Clerk authorized

SEC. 9. *And be it further enacted*, That whenever any person shall be committed to the jail in Northampton for not recognizing or finding sureties of the peace, pursuant to an order of any Justice of the Peace for said county of Hampden, any Justice of the Peace for said county of Hampshire may take recognizance of any such person, according to such order; and whenever any person is committed to said jail on execution, by any officer in said county of Hampden, and wishes to take the benefit of the law provided for those who are unable to support themselves in prison, and pay prison charges, any Justice of the Peace for the said county of Hampshire, and of the Quorum, are hereby authorized to do and transact all matters and things respecting such persons, that they are by law authorized to do, in case such person was committed by the Sheriff of said county of Hampshire, or his Deputy. Justice authorized.

SEC. 10. *And be it further enacted*, That the Court of Sessions for said county of Hampden may, at the first term of the same, appoint some suitable person, being a freeholder in said county, who being duly qualified according to law, shall be Treasurer of said county until some person shall be chosen and qualified in manner by law prescribed. Court may appoint County Treasurer.

SEC. 11. *And be it further enacted*, That the said county of Hampden shall be entitled to a share in all monies in the hands of the Treasurer of the county of Hampshire,

and of all sums of money due on taxes or other debts due to said county of Hampshire, according to the taxes paid in the last county tax for said county, by the said towns in said county of Hampden, in proportion to the whole tax last assessed; and of other moveable property belonging to said county of Hampshire, deducting therefrom all sums due from said county of Hampshire when this act takes effect.

SEC. 12. *And be it further enacted*, That this act shall take effect and be in force from and after the first day of August next.

[This act passed 25th February, 1812.]

CHAP. CXXXVIII.

An Act to establish the Town of Seekonk.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the westerly part of Rehoboth in the county of Bristol, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of Seekonk, viz. Beginning at a rock in the line between the towns of Attleborough, and Rehoboth which is the north-east corner boundary of the west precinct in said Rehoboth; thence south four degrees west until it strikes the line between the towns of Swanzey and said Rehoboth; thence westerly by Swanzey line till it strikes the line between said Rehoboth and the State of Rhode Island and Providence Plantations; thence following the line between the State of Rhode Island and Providence Plantations and said Rehoboth, till it comes to the south-west corner of the town of Attleborough; thence easterly by the line between the towns of Attleborough and Rehoboth to the first mentioned bounds; and the said town of Seekonk is hereby vested with all the powers and privileges, rights and immunities, and subject to all the duties to which other towns are entitled and subjected by the constitution or laws of this Commonwealth.

Town incor-
porated.

Providence
incorporated.

SEC. 2. *Be it further enacted*, That of all state and county taxes which shall be levied and required of said towns, previous to a new valuation, the said town of Seekonk shall pay one half thereof.

SEC. 3. *Be it further enacted*, That all the expenses arising for the support of the poor of said town of Rehoboth, with which it is now chargeable, together with ^{To support} such poor as have removed out of said town prior to this act of incorporation, but who may hereafter be lawfully returned to said town for support, shall be equally divided between the towns of Seekonk and Rehoboth; and when the said town of Seekonk shall be organized, the paupers, whether the same be supported in whole or in part only, shall be divided as nearly as may be, and one half of the number delivered over to the overseers of the poor of that town, to be by them in future supported. ^{poor.}

SEC. 4. *Be it further enacted*, That Elkanah French Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable inhabitant of Seekonk, requiring ^{Warrant to} him to notify and warn the inhabitants thereof, qualified to vote for town officers, to meet at such convenient time and place as shall be expressed in said warrant, to choose all such officers as towns are by law authorized to choose in the months of March or April annually. And that the said Elkanah French Esq. be, and he hereby is authorized and empowered to preside at said meeting during the election of a moderator, and to exercise all the powers, and to do all the duties which town clerks by law have and do perform in the elections of moderators of town meetings. ^{be issued.}

[This act passed 26th February, 1812.]

CHAP. CXXXIX.

An Act authorizing Judges of Probate in certain cases to alter the times appointed by law, for holding Probate Courts, and to continue any process or proceeding therein.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, whenever the times appointed by law for holding any Probate Court shall be found to interfere with any other court, or whenever any Judge of Probate shall be prevented, by reason of sickness, inevitable casualty or other cause, from holding the same, at the time appointed by law, or whenever it shall appear to him to be for the general benefit or interest of individuals, he shall be, and is hereby fully authorized and empowered to appoint such other time for holding said court as he shall deem expedient, by giving public notice thereof, or notifying all concerned. And the said Probate Court shall, and may be adjourned from time to time, and any process or proceeding therein may be continued to such time and place as the said Judge may order and direct, any law to the contrary notwithstanding.

[This act passed 27th February, 1812.]

CHAP. CXL.

An Act to incorporate a number of persons by the name of The Oxford Agricultural Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Robert Bradley, Stephen Chase, Amos J. Cook, Judah Dana, Philip Eastman, Oliver Griswold, Obadiah Kimbal, John M'Millan, James Osgood jun. Henry Young, Brown Osgood, Timothy Osgood, Francis L. Whiting, together with such

Persons in-
corporated.

others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of The Oxford Agricultural Society, and for this purpose, shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated agricultural societies in this Commonwealth ; and the said corporation may lawfully hold and possess real estate not exceeding twenty thousand dollars, and the annual income of the personal estate shall not exceed two thousand dollars.

SEC. 2. *And be it further enacted*, That any Justice of the Peace for the county of Oxford is hereby authorized to issue a warrant, directed to one of the members before named, requiring him to notify and warn the first meeting of the said society, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said society, by the elections and appointments of its officers. Justice to issue warrant.

[This act passed 27th *February*, 1812.]

CHAP. CXLI.

An Act in addition to an act, entitled, “ An act to divide the County of Hampshire, and to constitute the northerly part thereof into a new County by the name of Franklin.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Justices of the Court of Sessions in said county of Franklin be, and they hereby are authorized and required to hold a Court of Sessions at Greenfield, in and for said county, on the first Tuesday of March next, and at such other times as may be prescribed by law. Justices required to hold court.

SEC. 2. *And be it further enacted*, That the said Court of Sessions, at their said first term, shall and may appoint some suitable person, being a freeholder in said county, who, being duly qualified according to law, shall be Treasurer of said county, until some person shall be chosen and qualified in manner prescribed by law ; and shall also at said Court of Sessions to appoint Treasurer.

Proviso.

term divide the said county into jury districts agreeably to law : *Provided however*, That the venuries already issued, or which may be issued by the Clerk of the Judicial Courts in said county before the said county shall be divided into such districts for the drawing and returning of jurors to attend the Circuit Court of Common Pleas to be holden at Greenfield, in and for said county, on the second Monday of March next, shall be served and returned, and have the same effect, to all intents and purposes, as if the same had been issued after the said county shall be divided as aforesaid.

Register
may hold his
office.

SEC. 3. *And be it further enacted*, That the Register of Deeds in the northern district for the registering of deeds in the late county of Hampshire, and which by the act before recited is included in the county of Franklin, shall continue to hold his said office during the term for which he was chosen ; and shall be register for the registering of all deeds and conveyances of land, and executions levied on land, lying and being within the said county of Franklin, during the aforesaid term ; and shall, from and since the second day of December last, be holden to pay over to the Treasurer of said county of Franklin, the duties by law payable on the registering of deeds and other conveyances in said registry ; and shall, as soon as may be after a Treasurer of said county of Franklin shall be appointed or chosen, make and execute a bond to such Treasurer, according to the law in that behalf made.

Shire town.

SEC. 4. *And be it further enacted*, That the Western Circuit does, and shall, to every intent and purpose, include the county of Franklin, and that the Justices of the said Circuit Court of Common Pleas shall hold their courts at Greenfield, within and for said county, at such times as may be prescribed by law.

[This act passed 27th *February*, 1812.]

CHAP. CXLII.

An Act to ratify an Amendment of the Constitution of the United States, proposed to the Legislatures of the several states, by a resolve of Congress, passed November twenty-seventh, one thousand eight hundred and nine.

WHEREAS at the second session of the eleventh Congress of the United States, begun and held at the city of Washington, in the district of Columbia, on Monday the twenty-seventh day of November, one thousand eight hundred and nine, it was resolved as follows, viz. Preamble.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses concurring, That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three fourths of the States, shall be valid and binding as a part of the Constitution of the United States :

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatsoever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them. Amendment proposed.

BE it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said proposed amendment be, and the same is hereby ratified, on behalf of the Commonwealth of Massachusetts, to become, when ratified by the Legislatures of three fourths of the several States, part of the Constitution of the United States. Ratified.

[This act passed 27th February, 1812.]

CHAP. CXLIII.

An Act to incorporate the Society for Theological Education.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Rev. John Sawyer, Eliphalet Gillett, Kiah Bayley, Jotham Sewall, Francis Brown, William Jenks, Asa Rand, Edward Payson, Asa Lyman, David Thurston, Gen. Henry Sewall, and Ammi R. Mitchell, with their associates, and such others as may hereafter be elected as such, be, and they hereby are incorporated and made a body politic and corporate, by the name of The Society for Theological Education, for the purpose of raising a fund to assist those well disposed young men, that are desirous of entering into the work of the gospel ministry, but by a deficiency of pecuniary resources are unable to prosecute a course of regular studies necessary to qualify them for a station so important and useful. Which institution may continue for the term of thirty years from the passing of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may break, change, alter or renew at pleasure.

Persons in-
corporated.

Officers, how
chosen.

SEC. 2. *Be it further enacted*, That said institution may annually choose by ballot a President, Secretary, Treasurer, and such number of trustees as they may deem proper, never less than nine, of which the President, Secretary, and Treasurer shall always be three, ex officio, five of whom shall be necessary to constitute a quorum, and all such other officers as are necessary to manage its concerns; and in case of the death or resignation of either of said trustees, or other officers, said institution, at any legal meeting, shall have power to fill any vacancy or vacancies which may so happen, and also to remove any trustee or other officer, who by age, infirmity, or misconduct, in the opinion of said institution ought to be removed. *Provided however*, That the officers which have been already chosen shall continue to hold the offices to which they

Proviso.

have been respectively elected, until others are chosen in their stead, agreeably to the provisions of this act.

SEC. 3. *Be it further enacted*, That said institution shall be capable of receiving and holding any estate, real or personal, made to them by purchase, bequest, donation, or otherwise, to be used and improved for the purposes aforesaid: *Provided*, The whole of the estate of said institution shall not exceed the value of twenty thousand dollars, and provided the persons for whom the money may be appropriated shall be of the protestant religion, and in the opinion of the trustees, of reputed piety, prudence, and learning.

Possession
of property
allowed.

SEC. 4. *Be it further enacted*, That said institution may sell any of their estate, real or personal, purchased or given, in such way and manner as they may think proper, whenever it shall be found necessary for the purposes aforesaid; and all monies arising from such sale shall be faithfully applied by the trustees for said purposes, and for no other; and all deeds, conveyances, contracts, and other instruments, duly executed, signed, and sealed by the Treasurer with the seal of the institution, shall be binding on its members.

May sell
estate

SEC. 5. *Be it further enacted*, That said institution be, and hereby is authorized, at their first meeting to be holden under this act, by vote of a majority of the members present, to make and establish such rules, regulations and by-laws for their government as they may judge necessary, subject however to revision, alteration or addition at any regular subsequent meeting; and may also annex reasonable penalties to the breach of such rules, regulations and by-laws; *Provided*, the same be not repugnant to the laws of this Commonwealth.

Authorized
to make by-
laws, &c.

SEC. 6. *Be it further enacted*, That particular accounts of the funds, donations, and disposal thereof shall be exhibited by the Treasurer at every annual meeting, and fair entries shall be made in books to be provided for that purpose, of all donations made to said institution, and of all the real and personal estate belonging to the same, and said books shall be brought to said annual meetings and there opened for the perusal and examination of its members, and may at any time be inspected by a committee of the General Court.

Accounts to
be exhibited.

SEC. 7. *Be it further enacted*, That the Rev. Asa Lyman shall be, and he is hereby authorized to call the first meeting of said institution, by publishing a notification of the time and place where the same shall be held, in one or more of the papers printed in Portland, fourteen days at least previous to said meeting.

SEC. 8. *Be it further enacted*, That the Legislature shall have power at any time hereafter to alter, amend, or wholly repeal this act, whenever in their opinion the public good may require it.

[This act passed 27th *February*, 1812.]

CHAP. CXLIV.

An Act to apportion, and assess a tax of one hundred and thirty-three thousand three hundred and thirty-three dollars, ninety-seven cents, and providing for the reimbursement of twenty-six thousand four hundred sixteen dollars, paid out of the public treasury, to the members of the House of Representatives, for their attendance at the two last sessions of the General Court.

[This act passed 27th *February*, 1812.]

CHAP. CXLV.

An Act to divide the Commonwealth into Districts for the choice of Representatives in the Congress of the United States, and prescribing the mode of election.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That this Commonwealth be, and it hereby is divided into twenty districts, as in this act defined and described, for the purpose of choosing Representatives to represent this Commonwealth in the Congress of the United States, after the present Congress; in each of which districts one representative, being an inhabitant of the district for which he shall be elected, shall be chosen in the manner hereinafter described.

First
meeting.

Common-
wealth dis-
tricted.

SEC. 2. *Be it further enacted,* That the said twenty districts shall be formed and limited in manner following, viz.

The towns in the county of Suffolk, together with the town of Cambridge in the county of Middlesex, shall constitute one district, to be called Suffolk District. Towns forming districts.

The towns of Salem, Marblehead, Lynn, Lynnfield, Danvers, Middleton, Andover, Methuen, Haverhill, and Amesbury, in the county of Essex, shall constitute one district, to be called Essex South District.

The towns and districts in the county of Essex, not included in Essex South District, shall constitute one district, to be called Essex North District.

The towns and districts in the county of Middlesex, excepting the towns of Ashby, Townsend, Shirley, Pepperell, Cambridge, Brighton, Watertown, Newton, Framingham, Hopkinton, Holliston, Sherburne, and Natick, shall constitute one district, to be called Middlesex District.

The towns and districts in the county of Hampden, together with the towns of Ware, Belchertown, Granby, South Hadley, Hadley, Northampton, Westhampton, Southampton, Easthampton, Norwich, Worthington, and Middlefield, in the county of Hampshire, shall constitute one district, to be called Hampshire South District.

The towns and districts in the county of Hampshire, not included in Hampshire South District, together with the towns and districts in the county of Franklin, shall constitute one district, to be called Hampshire North District.

The towns and districts in the county of Plymouth shall constitute one district, to be called Plymouth District.

The towns and districts in the counties of Barnstable, Nantucket, and Dukes' County, together with the town of New Bedford, in the county of Bristol, shall constitute one district, to be called Barnstable District.

The towns and districts in the county of Bristol, except the town of New Bedford, together with the towns of Stoughton, Sharon and Foxborough, in the county of Norfolk, shall constitute one district, to be called Bristol District.

The following towns in the county of Worcester, to wit: Worcester, Mendon, Brookfield, North Brookfield, Oxford, Charlton, Sutton, Spencer, New Braintree, Westborough, Uxbridge, Northbridge, Sturbridge, Hardwick, Western, Douglas, Grafton, Petersham, Upton, Dudley, Ward, Milford, Dana, and Barre, together with the towns of Hopkinton and Holliston, in the county of Middlesex, shall constitute one district, to be called Worcester South District.

The towns and districts in the county of Worcester, not included in Worcester South District, together with the towns of Ashby, Townsend, Shirley, and Pepperell, in the county of Middlesex, shall constitute one district, to be called Worcester North District.

The towns, districts and plantations in the county of Berkshire shall constitute one district, to be called Berkshire District.

The towns and districts in the county of Norfolk, excepting the towns of Stoughton, Sharon, and Foxborough, together with the towns of Sherburne, Natick, Newton, Brighton, Watertown, and Framingham, in the county of Middlesex, shall constitute one district, to be called Norfolk District.

The towns, districts and plantations in the county of York, excepting the towns of Buxton, Limington, Cornish, and Parsonsfield, shall constitute one district, to be called the First Eastern District.

The following towns, districts and plantations in the county of Cumberland, viz. Portland, Falmouth, Cape Elizabeth, Scarborough, Gorham, Standish, Windham, North Yarmouth, together with the towns of Buxton, Limington, Cornish, and Parsonsfield, in the county of York, shall constitute one district, to be called the Second Eastern District.

The following towns, districts and plantations in the county of Cumberland, viz. Brunswick, Harpswell, Pownal, Freeport, Durham, Pegypscot, Minot, Poland, New Gloucester, Gray, Raymond, Otisfield, Thompson's Pond, and Shakers' Settlement Plantation, together with the towns of Litchfield, Lisbon, Bowdoinham, Bowdoin, Wales Plantation, Topsham, Lewistown, Bath, Georgetown, and Dresden, in the county of Lincoln, shall constitute one district, to be called the Third Eastern District.

The towns, districts and plantations in the county of Lincoln, excepting the towns of Litchfield, Lisbon, Bowdoinham, Bowdoin, Wales Plantation, Topsham, Lewiston, Bath, Georgetown, and Dresden, together with the towns of Deer Isle, Vinalhaven, Lincolnville, Northport, and Islesborough, in the county of Hancock, shall constitute one district, to be called the Fourth Eastern District.

The towns, districts and plantations in the county of Hancock, excepting the towns of Deer Isle, Vinalhaven, Lincolnville, Northport, and Islesborough, together with the towns, districts and plantations in the county of Washington, shall constitute one district, to be called the Fifth Eastern District.

The towns, districts and plantations in the county of Kennebeck shall constitute one district, to be called the Sixth Eastern District.

The towns, districts and plantations in the counties of Oxford and Somerset, together with the towns of Bridgeton, Harrison, and Baldwin, in the county of Cumberland, shall constitute one district, to be called the Seventh Eastern District.

SEC. 3. *Be it further enacted,* That the Selectmen of the several towns and districts within this Commonwealth shall, in manner as the law directs for calling town-meetings, cause the inhabitants of their respective towns and districts, duly qualified to vote for Representatives in the General Court of this Commonwealth, to assemble on the first Monday of November, biennially, beginning in November next, to give in their votes for their respective Representatives to the Selectmen, who shall preside at said meetings; and the Selectmen, or the major part of them, shall, in open town-meeting, sort and count the votes, and shall form a list of the names of the persons voted for, with the number of votes for each person, written in words, at length, against his name; and the Town Clerk shall make a record thereof, and the Selectmen shall, in such meeting, make public declaration of the persons voted for, and of the number of votes they respectively have, and shall, in open town-meeting, seal up the said list certified by the Selectmen, and express upon the outside of the said list, the district in which the votes were given, and shall transmit the same, within fourteen days next after such meeting, to the Secretary of the Commonwealth, or to the Sheriff of the county

Duties of
Selectmen.

in which such town or district lies, who shall transmit the same to the Secretary of the Commonwealth, within forty days next after the time of holding such meeting ; and the Secretary shall lay the same before the Governor and Council ; and in case of an election for any district, by a majority of the votes returned from such district, the Governor shall forthwith transmit to the person so chosen, a certificate of such choice, signed by the Governor and countersigned by the Secretary ; and the Selectmen of such towns and districts as lie within any county in which there may be no sheriff, shall return such list to the Secretary's office, within the same term of time as sheriffs are required to do.

Precepts to
be issued.

Sheriff to
make return.

SEC. 4. *Be it further enacted*, That in case no person shall be chosen by a majority of all the votes returned from any district, the Governor shall cause precepts to issue to the Selectmen of the several towns and districts within such district, directing and requiring such Selectmen to cause the inhabitants of their respective towns and districts, qualified as aforesaid, to assemble as aforesaid, on a day in such precept to be appointed, to give their votes for a Representative in Congress as aforesaid, which precepts shall be accompanied with a list of persons voted for in such district, shewing the number of votes for each person, according to the first return ; and the same proceedings shall be had thereon, in all respects, as before directed in this act ; and the Sheriff shall make return thereof into the Secretary's office, on or before such day as the Governor shall appoint in such precept. And the Selectmen of such towns and districts, as lie within any county in which there may be no Sheriff, shall return such lists to the Secretary's office, within the same term of time as Sheriffs are required to do ; and the Secretary shall lay the lists so returned to his office before the Governor and Council, and the Governor shall cause the person or persons who shall be chosen as aforesaid to be notified thereof ; and like proceedings shall be again had in case any district shall fail of completing the choice of its Representative ; and the Governor shall issue his precept accordingly, to the Selectmen of those towns and districts, or such districts wherein the choice of Representative shall not have been made ; and like proceedings shall be had as often as occasion may require.

SEC. 5. *Be it further enacted*, That whenever any vacancies shall happen in the representation of this Commonwealth in the Congress of the United States, the Governor shall cause precepts to issue to the Selectmen of the several towns and districts, within any district in which such vacancy may happen, directing and requiring them to cause the inhabitants of their respective towns and districts, to assemble on a day in such precept to be appointed, to give in their votes for a Representative to supply such vacancy; and like proceedings shall, from time to time, in all respects, be had, as are herein before provided.

Governor to
issue pre-
cepts for the
supply of va-
cancies.

SEC. 6. *Be it further enacted*, That it shall be the duty of the several Sheriffs of the several counties of the Commonwealth, on receiving copies of this act, or any precept from the Governor, for the purpose herein mentioned, to transmit the same seasonably to the Selectmen of the several towns and districts, and to the assessors of the several districts and plantations where there may be no Selectmen, within their respective counties, to whom such copies or precepts may be respectively directed. And the several Sheriffs shall, for the said service, be entitled to receive out of the treasury of this Commonwealth, fifty cents for each of the copies and of the precepts so by them distributed to the Selectmen of the towns and districts, and to the assessors of the districts and plantations in their counties where there may be no Selectmen. *Provided however*, That no Sheriff who shall neglect seasonably to transmit all and every of the copies and precepts by him received, in manner aforesaid, shall be entitled to any compensation for distributing any of such copies or precepts; and for returning the votes from all the towns within the respective counties, which may be seasonably delivered to him as aforesaid, each Sheriff shall be entitled to receive seventeen cents per mile, computing from the place of abode of each Sheriff, to the Secretary's office; and, in either case, the Sheriffs shall present their accounts to the Committee on Accounts for examination and allowance.

Duties of
Sheriffs.

Proviso.

SEC. 7. *Be it further enacted*, That any Sheriff who shall neglect to perform the duties which by this act he is directed to perform, shall, for each neglect, forfeit and pay a sum not exceeding two thousand, nor less than two hundred dollars, for any such neglect. And if any Select-

Penalty for
neglect.

men shall neglect to perform any of the duties which by this act they are required to perform, each Selectman, so neglecting, shall forfeit and pay a sum not exceeding two hundred dollars, nor less than thirty dollars, for any such neglect; any of the forfeitures aforesaid to be recovered by indictment before the Supreme Judicial Court, or before any Circuit Court of Common Pleas, or before the respective Courts of Common Pleas, for the several counties of Nantucket or Dukes' County, which forfeiture shall be to the use of the Commonwealth.

Assessors'
power.

SEC. 8. *Be it further enacted*, That the assessors of those districts and plantations, where there may be no Selectmen, shall have the same powers and perform the same duties for the purposes of this act, as are herein given to, or required of Selectmen, and shall incur like penalties in case of neglect.

Extension of
act.

SEC. 9. *Be it further enacted*, That this act shall be construed to extend to those plantations only, which shall choose assessors to assess the public taxes which shall be set to such plantations in the tax act next preceding the several elections.

SEC. 10. *Be it further enacted*, That this act, until a new apportionment of Representatives among the several states shall be made, and for the purpose of supplying any vacancy or vacancies which may happen in the representation of this Commonwealth in the Congress of the United States, which shall make such apportionments, shall continue and be in full force.

[This act passed 28th *February*, 1812.]

CHAP. CXLVI.

An Act in addition to an act, entitled, "An act to incorporate a religious Society, by the name of The First Parish in the Town of Charlestown.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the proprietors of appropriated pews in the meeting-house of the First Parish in the Town or Charlestown shall, from and after the passing of

this act, be solely authorized and empowered to vote in, and manage the concerns of the said corporation; and they, with their estates, and not the persons who occasionally hire pews or seats in said house, shall be liable to all assessments or taxes for the charges of the said parish; and in all cases two votes, and no more, may be given in the right of each pew. *Provided nevertheless,* That no proprietor of a pew, who is a member of another religious society, shall be entitled to vote, or be liable to any other tax than the weekly assessment on his pew. Proprietors authorized.

SEC. 2. *And be it further enacted,* That all deeds and conveyances of, and executions extended on the pews in said meeting-house, shall be recorded by the clerk of the said parish in a book to be provided for that purpose; and being so recorded shall be considered valid in law; and the parish Clerk shall be entitled to the same fees as are or may be allowed to Registers of Deeds for similar services. Duty of clerk.

SEC. 3. *And be it further enacted,* That in the first section of the act, entitled, "An act to incorporate a religious society by the name of The First Parish in the Town of Charlestown," the words "and such other inhabitants of the said town as do now attend the publick worship of God, and the instructions of Dr. Jedidiah Morse, their minister in said house," together with the second, third, fourth, fifth, and seventh sections of the said act, be, and they are hereby repealed.

[This act passed 28th February, 1812.]

CHAP. CXLVII.

An Act to establish a Town by the name of North Brookfield.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that part of the town of Brookfield which has been heretofore called and known by the name of the Second or North Parish (excepting that part of said territory now lying south of the post road, leading from Worcester through Spencer to Springfield,) Boundaries described.

Town incor-
porated.

together with the inhabitants thereon, be, and the same is hereby incorporated into a separate town, by the name of North Brookfield. And the said town of North Brookfield is hereby vested with all the powers and privileges, and shall also be subject to all the duties to which other corporate towns are entitled and subjected by the constitution and laws of this Commonwealth.

Possession
of property
allowed.

SEC. 2. *Be it further enacted*, That the inhabitants of the said town of North Brookfield shall be entitled to hold such proportion of all the personal property now belonging to and owned in common by the inhabitants of the town of Brookfield, as the property of the said inhabitants of North Brookfield bears to the property of all the inhabitants of the town of Brookfield, according to the last valuation thereof.

SEC. 3. *Be it further enacted*, That the inhabitants of the said town of North Brookfield shall be holden to pay all arrears of taxes due from them, together with their proportion (to be ascertained as aforesaid) of all the debts now due and owing from the said town of Brookfield, or which may be hereafter found due and owing by reason of any contract or other matter and thing heretofore entered into, or now existing.

To support
poor.

SEC. 4. *Be it further enacted*, That the said town of North Brookfield shall be holden to support their proportion of the present poor of the town of Brookfield, which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable, as paupers, to the town of Brookfield and North Brookfield, shall be considered as belonging to that town on the territory of which they had their settlement at the time of passing this act, and shall in future be chargeable to that town only.

Holden to
pay taxes.

SEC. 5. *Be it further enacted*, That the said town of North Brookfield shall be holden to pay their proportion of all state, town, and county taxes assessed on the inhabitants of the said town of Brookfield, until a new valuation shall be made of the said towns. *Provided*, That the said town of North Brookfield shall be holden, until the further order of the Legislature, to pay the town of Brookfield such proportion of any of the expenses of maintaining the bridges and causeways over the rivers in the town of Brookfield, as a committee of the Court of Sessions for

the county of Worcester shall determine ; and said Court of Sessions are hereby authorized, on application of either of the inhabitants of Brookfield or North Brookfield, from time to time, to appoint a committee for the above purpose, whose report, made to and accepted by said court, shall be binding on the said towns.

SEC. 6. *Be it further enacted*, That any Justice of the Peace for the county of Worcester, upon application therefor, is hereby authorized to issue his warrant, directed to any freeholder in the said town of North Brookfield, requiring him to notify and warn the inhabitants thereof to meet at such time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

Justice to issue warrant.

[This act passed 28th *February*, 1812.]

CHAP. CXLVIII.

An Act authorizing a Lottery for completing the repairs of Plymouth Beach.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a lottery be granted to the town of Plymouth, to raise the sum of sixteen thousand dollars, for the purpose of completing the repairs of Plymouth Beach, in the county of Plymouth ; and the town of Plymouth shall appoint the managers thereof, and the agents for expending said money, with power to remove the managers and agents, and to fill vacancies in the board of managers and agents, either by their Selectmen, or in such other way as the town shall direct ; and the managers of said lottery, from time to time, shall make and publish such schemes as shall, in their opinion, best promote the purposes of said lottery, draw the same, and transact all business necessarily connected with the duties of their appointment.

Lottery granted.

SEC. 2. *Be it further enacted*, That said managers, before they enter on the duties of their office, shall give bond to the treasurer of the town of Plymouth, with sufficient sureties, in the sum of fifteen thousand dollars, con-

Managers to give bond.

ditioned to pay into the hands of the agent or agents, for applying the money to the object of this grant, the whole proceeds of the said lottery, without deduction for services or expenses, excepting one thousand dollars, which bond shall remain with the Treasurer aforesaid, for and during the time of two years after all the classes in said lottery shall be drawn and completed, that all persons aggrieved by the doings of said managers may have the benefit thereof; and said managers, before entering on their duties, shall give the bonds and be under oath faithfully to perform the duties of their office.

Agents to
give bond.

SEC. 3. *Be it further enacted*, That the agents aforesaid shall give bond to the Treasurer of the town of Plymouth, faithfully to appropriate the money paid to them by the said managers, without deduction for their expenses or services, under the direction of the town of Plymouth, or such persons as they shall appoint; and the town of Plymouth shall be bound to the Treasurer of this Commonwealth, in the sum of fifteen thousand dollars, faithfully to appropriate the whole sum in this grant to the repairs of said beach, except the sum of one thousand dollars aforesaid; and the managers and agents, to be appointed as aforesaid, shall render an account of their proceedings, which, being approved by the Selectmen of Plymouth, and by them presented to the Governor and Council for their approbation, and if by them allowed, the bond against the town shall then be cancelled.

Paying of
prizes.

SEC. 4. *Be it further enacted*, That all the prizes in said lottery shall be paid by the managers, if demanded, within sixty days after the drawing of any class shall be completed; and all prizes not demanded in one year next after the drawing of any class, shall be considered as generously given for the purposes for which this lottery was granted; and the managers aforesaid, after each class in said lottery is drawn, shall pay, within sixty days, to the agents aforesaid, fifteen sixteenth parts of the proceeds of each class; and no class in said lottery shall be drawn until four fifths of the tickets are sold; and said managers shall be holden to account to the town of Plymouth for the proceeds of all tickets sold, and all prizes drawn to the credit of the lottery, and all prizes not claimed within one year as aforesaid; and the managers shall be jointly holden to pay the prizes drawn against any number, though the

ticket drawing such prize be signed by one of them only; and said managers may sell fractional parts of tickets, but not at an advanced price.

SEC. 5. *Be it further enacted*, That said managers shall, from time to time, publish in one or more of the public newspapers printed in this Commonwealth, the scheme of each class in said lottery, the time and place of drawing, and list of prizes; and shall keep a book in which they shall charge themselves with the amount received for each ticket sold, numbering the same, and also with the amount of the prizes drawn against any number not sold, and likewise such numbers sold as are not claimed in one year; and they shall credit themselves with the amount of the prizes paid to the purchasers of tickets; and the whole business of the lottery shall be completed in five years, at which time the managers of said lottery shall make up and exhibit, to the Selectmen of Plymouth, a fair account of their whole proceedings, which, if approved and accepted by said Selectmen, the said managers shall be entitled to the return of their bond, at the time specified in this act; and the managers and agents, upon the request of the Selectmen of the town of Plymouth, shall exhibit an account of their doings, from time to time, when required.

Duties of
managers.

[This act passed 28th *February*, 1812.]

CHAP. CXLIX.

An Act to establish the town of Sebec, in the county of Hancock.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the township numbered four, in the seventh range, north of the Waldo Patent, in the county of Hancock, be, and hereby is established as a town, by the name of Sebec, and by the following boundaries, viz. east by number three in the same range; south by the river Pascataquies; west by number five in the same range, now incorporated Foxcroft; and north by number six in the eighth range. And the said town of Sebec is hereby vested with all the corporate powers and

Town incor-
porated.

Boundaries
described.

privileges, and subjected to the like duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

Justice to is-
sue warrant. SEC. 2. *Be it further enacted*, That any Justice of the Peace, for the county of Hancock, is hereby authorized, upon application therefor, to issue a warrant, directed to a freeholder and inhabitant of the said town of Sebec, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town-meetings.

[This act passed 28th *February*, 1812.]

CHAP. CL.

An Act to incorporate a number of persons by the name of
The First Universalist Society in Salem.

Persons in-
corporated. SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jonathan Beckford, Nathaniel Frothingham, Robert Leach, Jeduthan Upton, Henry Rust, William Meriam, Thomas Newhall, Henry Tibbets, Zachariah Burchmore, Jeduthan Upton jun. Charles Steel, Nathan Luther, Samuel C. Pope, John Snethen, James Moody, Abraham Wendell, Henry Grant, Andrew Morgan, Joseph Newhall, Moses Thomas, Jethro Thomas, Seth Saltmarsh, John Ferguson, Samuel K. Putnam, Daniel Dutch, William Cleaveland, Ebenezer Burrell, Ward Chipman, Samuel Wilson, Hero Nichols, William Fabens, Joseph Ropes jun. Joseph Mansfield, Samuel Mansfield, Benjamin Cox jun. William Woodbury, Nathaniel Archer, George Ward, Jonathan Howard, Peter Hodson, Joshua Beckford, Thomas Driver, Ellis Mansfield, Stephen Driver jun. Richard Hay, Henry Archer, Nathaniel Fowle, and Lemuel Horton, with their families and estates, together with such others as may hereafter associate with them, and their successors, in the manner provided by this act, be, and they are hereby incorporated as a religious society by the name of The First

Universalist Society in Salem, with all the powers and privileges, exercised and enjoyed by other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person living in Salem, or in any of the neighbouring towns, who may desire to become a member of the said Universalist society, shall declare such intention to the clerk or committee of said society, fifteen days at least previous to their annual meeting, and if such person do receive, and can produce a certificate of admission, signed by the clerk or committee, that such person has united with and actually become a member of the said society, such person, from the date of said certificate, shall be considered, with his or her polls and estate, a member of the said Universalist society. *Provided however*, That every such person shall be holden to pay his or her proportion of all parochial expenses in the society to which such person belonged, assessed and not paid, previous to leaving such society.

Method of becoming a member.

Proviso.

SEC. 3. *Be it further enacted*, That when any member of the said Universalist society may see cause to leave the same, and unite with any other religious society, he or she shall give notice of such intention to the clerk or committee of such other society, fifteen days at least previous to the annual meeting, and if such person receive and can produce a certificate of admission, signed by the clerk or committee of such other religious society, that such person has united with and actually become a member of the said other society, such person having paid his or her proportion of all monies voted to be raised in said Universalist society, previous thereto, shall be considered from the date of said certificate, with his or her polls and estate, as members of said other society.

Manner of leaving.

SEC. 4. *And be it further enacted*, That any Justice of the Peace for the county of Essex be, and hereby is authorized to issue a warrant, directed to some member of said society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, to choose all such officers as religious societies have a right to choose at their annual meetings.

Justice to issue warrant.

[This act passed 28th *February*, 1812.]

D d d d

CHAP. CLI.

An Act to incorporate the Housatonuck Manufacturing Company, in Pittsfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Richard S. Chappell and John B. Root, together with such others as may hereafter associate with them, and their successors and assigns, be, and they hereby are made a corporation, by the name of The Housatonuck Manufacturing Company, for the purpose of manufacturing wool, cotton, flax, and hemp, in the town of Pittsfield, in the county of Berkshire, and for the purpose aforesaid shall have all the powers and privileges, and shall be also subject to all the duties and restrictions prescribed and contained in an act, entitled, "An act defining the general powers and duties of manufacturing corporations," passed the third day of March, eighteen hundred and nine.

Persons in-
corporated.

May hold
estate.

SEC. 2. *And be it further enacted,* That the said corporation, in their corporate capacity, may lawfully hold and possess real estate not exceeding thirty thousand dollars, and personal estate not exceeding fifty thousand dollars, as may be necessary for carrying on the manufactures of the said company in the town of Pittsfield.

[This act passed 28th February, 1812.]

CHAP. CLII.

An Act in addition to an act, entitled, "An act incorporating the proprietors of the Norfolk Cotton Manufactory."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the corporation created and established by the act, to which this act is an addition, be, and the same hereby is vested with full power and author-

Corporation
empowered.

ity to carry on the manufacture of wool, in its various branches, subject however to the same restrictions, and entitled to the same privileges to which the said corporation is now, by the aforesaid act, subjected and entitled, in the manufacture of cotton.

[This act passed 28th *February*, 1812.]

CHAP. CLIII.

An Act to exempt the county of Norfolk from building and keeping in repair certain bridges, and for other purposes.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, so much of the sixth section of the act establishing the county of Norfolk, passed the twenty-sixth of March, in the year one thousand seven hundred and ninety-three, as subjects the said county to build and keep in repair certain bridges therein mentioned, be, and the same is hereby repealed. Act in past repealed.

SEC. 2. *Be it further enacted,* That the several towns in the county of Norfolk, in which the said bridges are situated, shall hereafter be obliged to build and keep in repair the same, in the same manner as towns are required, by law, to build and keep in repair town bridges.

[This act passed 28th *February*, 1812.]

CHAP. CLIV.

An Act in addition to an act, entitled, “An act to regulate the taking of the fish called alewives in Manatiquat river, in the town of Braintree.”

WHEREAS by an act passed on the first day of March one thousand seven hundred and ninety-nine, the town of Braintree were authorized to farm out, and dispose of the fish called alewives, and as it appears by Preamble.

representation from said town, that other fish, have and do run in the river in said town, which proves injurious to the alewife fish.

Restrictions. SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the taking of all fish, which do or may run from the salt water in the aforesaid river in the town of Braintree, excepting eels, smelts and tom cod, shall be forever hereafter subject to the same restrictions as the taking of alewife fish is by the act, entitled, "An act to regulate the taking of the fish called alewives in Manataquat river, in the town of Braintree."

Committee to farm out. SEC. 2. *Be it further enacted,* That the Selectmen of the town of Braintree, for the time being, shall be the committee to farm out and dispose of the aforesaid fish, agreeably to their best judgment: *Provided nevertheless,* That the fish called alewives shall be disposed of agreeably to the act to which this is in addition, any thing in the act to which this is in addition to the contrary notwithstanding.
[This act passed 28th February, 1812.]

CHAP. CLV.

An Act in addition to an act, entitled, "An act for incorporating certain persons, for the purpose of building a bridge over Deerfield river (so called), where Williams' ferry is now kept, and for supporting the same.

Proprietors empowered. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of Deerfield river bridge, or corporation, be, and they are hereby authorized and empowered to purchase, hold, possess, use and occupy real estate, in their corporate capacity, not exceeding the value of five thousand dollars, for the purpose of erecting a toll-house and such other convenient buildings as said corporation, in their said capacity, may think proper.

[This act passed 28th February, 1812.]

CHAP. CLVI.

An Act to continue in force an act, entitled, "An act to establish the Second Brush-hill Turnpike Corporation."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the act entitled, "An act to establish the Second Brush-hill Turnpike Corporation" shall be, and hereby is continued in full force and effect, for and during the term of four years, from and after the first day of June next, any thing in said act of incorporation, or in an act defining the general powers and duties of turnpike corporations, to the contrary notwithstanding. Act continued in force.
 [This act passed 28th February, 1812.]

CHAP. CLVII.

An Act to repeal an act, entitled, "An act to alter and amend the Constitution of the Board of Overseers of Harvard College, and to regulate certain meetings of that Board.

SEC. 1. BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an act made and passed the seventh day of March, in the year of our Lord one thousand eight hundred and ten, entitled, "An act to alter and amend the Constitution of the Board of Overseers of Harvard College," be, and the same is hereby repealed; Act repealed. and the Board of Overseers, from and after the passing of this act, shall be constituted in the same way and manner, and be composed of the same persons, and no others, that it would have been, had the same act never been made or passed.

SEC. 2. Be it further enacted, That there shall be a meeting of the Board of Overseers of Harvard College, as the same will be constituted after the passing of this act, on the second Wednesday of the first session of the Annual meeting.

Duty of secretary.

General Court, annually, in the Senate chamber, at three o'clock in the afternoon (unless otherwise ordered by the said Board of Overseers,) if the General Court shall remain so long in session, and at such other times and places as the said Board shall order; at which annual meeting it shall be the duty of the Secretary of said Board, at the first meeting thereof, to lay before them the records and proceedings of the corporation of Harvard College, and of the said Board of Overseers, which have been had since the passing of the act aforesaid, which is hereby repealed, and in like manner, all the proceedings which may have been had by said corporation and Board of Overseers, shall be laid before them at their next succeeding meeting, to be held agreeably to the provisions of this act.

[This act passed 29th February, 1812.]

CHAP. CLVIII.

An Act to annex Daniel Foot to the town of Pittsfield.

Set off.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Daniel Foot, with his family and estate, be, and hereby is set off from the town of Dalton and annexed to the first parish in the town of Pittsfield, for parochial purposes only, there to do the duties and enjoy the privileges of a parishioner.

Holden to pay proportion of taxes.

SEC. 2. *And be it further enacted,* That the said Daniel Foot shall be holden to pay all legal taxes that have been assessed upon him by said town of Dalton, prior to the passing of this act.

[This act passed 29th February, 1812.]

CHAP. CLIX.

An Act to establish the Worcester and Leicester Turnpike Corporation.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Denny, Nathaniel Paine, Reuben Sykes, Austin Flint, and Alpheus Dimond, with such other persons as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of The Worcester and Leicester Turnpike Corporation, for the purpose of making a turnpike road between the towns of Worcester and Leicester, viz, Beginning at the foot of a hill between the dwelling-houses of Asa Ward and Phineas Jones, in Worcester, to or nearly opposite the meeting-house in Leicester, and for the purpose aforesaid shall have all the powers and privileges, and shall be also subject to all the duties, requirements and penalties prescribed and contained in an act passed the sixteenth day of March, eighteen hundred and five, entitled, "An act defining the general powers and duties of turnpike corporations," and of any acts which have been, or may be made in addition thereto. And no county, town, or private road or way shall be opened into, or connected with the aforesaid turnpike road, without the consent of said corporation first had and obtained; except such county, town, or private road or way, as may be laid out crossing the said turnpike road, and leading in different directions therefrom.

Persons incorporated.

SEC. 2. *And be it further enacted,* That when the said turnpike road shall be made and completed, to the acceptance of the Court of Sessions for the county of Worcester, or a committee by them appointed, the said corporation may erect one half toll gate, and shall have liberty to demand and receive half the usual rates of toll, according to the general turnpike law.

Authorized to receive toll.

[This act passed 29th *February*, 1812.]

CHAP. CLX.

An Act altering the line between the counties of Kennebeck and Lincoln.

County line
altered.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the county line between the counties of Kennebeck and Lincoln be, and it is hereby altered, so as to include the town of Malta wholly within the said county of Kennebeck, and the town of Whitefield wholly within the said county of Lincoln.

[This act passed 29th February, 1812.]

CHAP. CLXI.

An Act authorizing the sale of School Lands in the town of Sumner, to raise a fund for the support of Schools in said town, and for appointing trustees for those purposes.

Trustees ap-
pointed.

SEC. 1. BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Isaac Sturtevant, Calvin Bisbee, Stephen Ellis, Joseph Barrett, John Briggs, Moses Buck jun. and James Harsey jun. be, and they are hereby appointed trustees of the School lands in the town of Sumner, in the county of Oxford; and they, and their successors in said office, are hereby incorporated by the name of The Trustees of the School Funds in Sumner, and by that name shall be capable, in law, to sue and be sued to final judgment and execution, and shall possess, hold and exercise all such powers and privileges as are incident to, and usually given to similar corporations; and the number of the said trustees shall never be less than five, nor exceed seven, any five of whom may be a quorum for doing business, and shall have power to supply any vacancies which may happen in their number, whether by death or resignation, removal, or any other disqualification,

and shall also have power to remove any of their number, who from age, infirmity, misconduct, or any other cause, shall become unfit or incapable of discharging their duty, and fill up such vacancies by a new election from inhabitants of the said town of Sumner; and the said trustees, at their first meeting, shall appoint, and afterwards annually appoint, a Secretary, Treasurer, and such other officers as may from time to time appear to be necessary, who shall be sworn to the faithful discharge of their duty; and the said Secretary shall procure books, and keep a fair and faithful record of all the proceedings of the said trustees, which shall at all times be ready for inspection of the said trustees, and also of the Selectmen of the said town of Sumner.

SEC. 2. *Be it further enacted*, That the said trustees be, and they are hereby authorized to sell and convey the said school lands, and to use their discretion, both as to the time and manner of the sale, and taking security for the payment of the same, and to make, execute, and acknowledge good and sufficient deed or deeds thereof, in fee simple, from the said town to the purchasers of such lands, which deed or deeds shall be signed, executed, and acknowledged by the Treasurer in the name and by the direction of said trustees, and the conveyance so made shall be valid and effectual in law, and the monies arising from the sale of the said lands shall be put out at interest, as soon as conveniently may be, and secured by mortgage on real estate, to the full value of the estate sold or money loaned, or by two or more sufficient sureties with the principal; or the said trustees may invest the said school funds in public securities of this state, or of the United States, or in bank stock of the State Bank, as they may judge will be most for the interest and security of the said town, in the use and improvement of their said school fund; and the said fund shall be inviolably appropriated and used for the support of schools in the said town of Sumner, and no vote of the said town shall have any force or effect, to alienate or alter the appropriation of the said school fund.

Trustees
authorized.

SEC. 3. *Be it further enacted*, That the Treasurer of the said school fund shall give bonds to the said trustees, in the sum of three thousand dollars, for the faithful performance of his duty, and to be at all times responsible for the faithful application and expenditure of all monies

Treasurer to
give bond.

which may be deposited with him, conformable to the true intent and meaning of this act, and may be removed for negligence or misconduct in his office; and the said Treasurer and his successors in office shall be required by the said trustees to exhibit annually to the said town a fair and regular account of his doings, of the expenditure of the monies, and the present state of the funds; and the said Trustees, Treasurer, and Secretary shall receive no compensation for their services out of any monies arising from the said school fund; but such compensation may be made to the said Trustees, Treasurer, and Secretary, for their services, as the town may, from time to time, judge reasonable.

Justices
authorized.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Oxford is hereby authorized, upon application of any three of the trustees herein named, to appoint the time and place for the first meeting of the trustees; and at the said first meeting the said trustees shall fix and settle the time and mode of calling future meetings; and may also, at the same time, or at any subsequent meeting, establish such rules and by-laws for their regular proceedings, as may, from time to time, appear necessary, and to annex reasonable penalties for the breach thereof. Provided such rules and by-laws shall, in no case, be contrary to the constitution and laws of this Commonwealth.

[This act passed 29th *February*, 1812.]

CHAP. CLXII.

An Act to incorporate the Proprietors of the Newton Wire Manufactory.

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Brown, William Ward, Hendrick W. Gordon, Sylvanus Gray, Benjamin Andrews, and such other persons as may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name and style of The Newton Wire Manufactory, for the purpose of manufacturing wire and wire work, in all their kinds and

branches, and for this purpose shall have all the powers and privileges, and be subject to all the duties and regulations contained in an act passed by the General Court on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of Manufacturing Corporations."

SEC. 2. *Be it further enacted*, That said corporation may take and hold real estate not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, for the purpose of establishing and carrying on the manufactory aforesaid. Possession of property allowed.

SEC. 3. *Be it further enacted*, That said corporation may locate said manufactory in the town of Newton, in this state, or in any place within twenty miles of said town of Newton, at the pleasure and discretion of the stockholders in said corporation.

[This act passed 29th *February*, 1812.]

CHAP. CLXIII.

An Act to incorporate the Proprietors of the Ministerial Fund in the Parish of Byfield.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the inhabitants of that part of the parish of Byfield which lies in the town of Newbury, be, and they hereby are incorporated as a body politic, forever, by the name of The Proprietors of the Ministerial Fund in the Parish of Byfield, for the purpose of managing such funds as now belong to the said inhabitants hereby incorporated, and such other funds as may hereafter accrue to them, for their proportional part of the support of the minister of said Byfield Parish; and the said corporation, by the said name, are hereby declared and made capable, in law, to sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution. Inhabitants incorporated

SEC. 2. *Be it further enacted*, That all the voters in said corporation, qualified by law, to vote in parish affairs,

Voters
authorized.

be, and they hereby are authorized, at their first meeting, which shall be holden, by virtue of this act, to choose a clerk, a treasurer, and three or five trustees, all of whom shall be chosen annually; and the said trustees and treasurer shall have the care and management of all funds and interest of the said corporation; and the annual meeting of the said proprietors shall be holden in the month of December, and other special meetings may be called in the manner, which the said proprietors may direct and order, and the moderator of any of said meetings is hereby authorized to administer the oath of office to the clerk; and the clerk and treasurer may receive reasonable compensation for their respective services.

Treasurer to
give bond.

SEC. 3. *Be it further enacted*, That the treasurer of said corporation shall give sufficient bonds (in the opinion of the trustees) for the faithful performance of his trust, and he shall, under the direction of the said trustees, be empowered, and hereby is authorized, to receive and let out any or all the money or interest of said corporation, on bond or mortgage; and, when it shall be necessary, to execute a deed or deeds of sale of any lands belonging to said proprietors.

Appropriation of interest.

SEC. 4. *Be it further enacted*, That the interest arising from said funds shall never be appropriated to any other use than that for which they were given; and the said interest may be applied, by the said proprietors, towards payment of their proportional part of ministerial taxes, as they may, from time to time, order and direct.

Justice to issue warrant.

SEC. 5. *And be it further enacted*, That any Justice of the Peace in the county of Essex, on the application of five members of said corporation, shall issue a warrant for calling the first meeting, and the corporation may agree upon the method of calling future meetings.

[This act passed 29th *February*, 1812.]

CHAP. CLXIV.

An Act in addition to an act, entitled, “An act to establish The Hingham and Quincy Bridge and Turnpike Corporation.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joseph Bemis of Canton, in the county of Norfolk, Esquire, be, and he hereby is constituted and made a commissioner, jointly with Jonathan Hunnewell of Boston, and Samuel Bass of Randolph, Esquires, heretofore appointed commissioners, as appears in the act whereto this act is in addition; and the said Joseph Bemis is hereby authorized and empowered to do and perform all the duties and services which are incumbent upon and required of any commissioner aforesaid, in said act named, as though the said Joseph Bemis had been, by said act, appointed in the place of Aaron Hobart of Abington, who was appointed a commissioner in and by said act, and who has since deceased.

Commis-
sioner con-
stituted.

[This act passed 29th February, 1812.]

CHAP. CLXV.

An Act providing for the safe keeping of the records in the offices of the Register of Deeds, and of the Register of Probate, in the several counties within this Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That it shall be the duty of the Court of Sessions, in each county in this Commonwealth, to provide in the same building, which has been or may be provided for the safe keeping of the judicial records and files, separate fire proof rooms with suitable alcoves, cases, and boxes, for the safe keeping of all the records, files, papers, and documents which now remain or shall

Duty of
Court of
Sessions.

hereafter accumulate in the office of Register of Deeds, except in those counties where there is already provided a fire-proof building, or rooms for the registry of deeds; in which case the records, files, papers, and documents which are required by this act, shall be deposited in said building or rooms, for the registry of deeds, which is kept in the shire town in each county, and also in the office of the Register of Probate, where the Register shall reside in such town.

Court of
Sessions to
provide
building.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Court of Sessions, in each county, to provide the building or office required by the "Act providing for the appointment of clerks of the courts in the several counties, and for the safe keeping of the judicial records, and for other purposes," within two years from the passing of this act.

[This act passed 29th February, 1812.]

CHAP. CLXVI.

An Act to establish the town of Foxcroft, in the county of Hancock.

Town incor-
porated.

SEC. 1. **B**E *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the township numbered five, in the seventh range, north of the Waldo Patent, in the county of Hancock, be, and hereby is established as a town, by the name of Foxcroft, and by the following boundaries, viz. east by the township number four in the same range; south by the river Pascataquies; west by number six in the same range; north by number seven in the eighth range. And the said town of Foxcroft is hereby vested with all the corporate powers and privileges, and subjected to the like duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

Justice to is-
sue warrant.

SEC. 2. *And be it further enacted*, That any Justice of the Peace, for the county of Hancock, is hereby authorized, upon application therefor, to issue a warrant, directed to a freeholder and inhabitant of the said town of Foxcroft,

requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town-meetings.

[This act passed 29th *February*, 1812.]

CHAP. CLXVII.

An Act in addition to an act, entitled, “An act to regulate Prisons within this Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any person who is or may be imprisoned for debt, on mesne process or execution, shall give bond with one or more sureties, approved by the creditor, or two Justices of the Peace, to the creditor, in double the amount for which he is imprisoned, conditioned, that from the time of executing such bond, he will not depart without the exterior bounds of the debtors’ liberties until lawfully discharged, the gaol keeper shall release him from close confinement, without requiring any other condition in such bond. Liberty of prisoners.

SEC. 2. *Be it further enacted,* That nothing done since the passing of the act to which this act is an addition, shall be considered a breach of any bond which has been or may be given to obtain the liberty of the gaol yard or debtors’ liberties, except the passing over and beyond the exterior limits and bounds thereof, as by law established for the time being. Breach of bond explained.

SEC. 3. *Be it further enacted,* That any bond which has been or may be given, to obtain the liberty of the gaol yard or debtors’ liberties, shall be discharged and void whenever the principal therein shall surrender himself, or be surrendered by his surety, to the keeper of the prison where the bond was given, reserving however the right of the creditor to recover for a breach thereof before such surrender, by suit commenced within one year from such breach; *Provided however,* That after such surrender, said principal shall be entitled, on giving bond anew, to Conditions of discharging the bond.

the same privileges as he was or would be, before such surrender.

Conditions
of release.

SEC. 4. *Be it further enacted*, That any principal surrendered by his bail, either on mesne process or action of scire facias against the bail, shall, on giving bond similar to that in the first section of this act provided, be released from close confinement, in the same manner as if he had given such bond after commitment on the original writ or execution.

SEC. 5. *Be it further enacted*, That this act, and the act to which this act is an addition, shall be and continue in force and operation until repealed, any limitation therein to the contrary notwithstanding.

[This act passed 29th *February*, 1812.]

CHAP. CLXVIII.

An Act to continue in force the Charter of the Plymouth Bank.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act made and passed the twenty-third day of June, in the year of our Lord one thousand eight hundred and three, entitled, "An act to incorporate sundry persons by the name of The President and Directors of the Plymouth Bank," be, and the same is hereby continued in force until the first Monday in October next, any thing in the act aforesaid to the contrary notwithstanding.

[This act passed 29th *February*, 1812.]

CHAP. CLXIX.

An Act to fix the times of holding the Court of Sessions in the respective counties in this Commonwealth.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of April next, the times and places for holding the several Courts of Sessions shall be as follows, that is to say, Times of holding courts.

Within and for the county of Suffolk, at Boston, on the first Tuesday of January, on the third Tuesday of April, on the first Tuesday of July, and on the first Tuesday of October.

Within and for the county of Essex, at Ipswich, on the second Tuesday of April, and on the second Tuesday of October.

Within and for the county of Middlesex, at Cambridge, on the first Tuesday of January; and at Concord, on the second Tuesday of May, and on the third Tuesday of September.

Within and for the county of Worcester, at Worcester, on the second Tuesday of March, and on the second Monday of September.

Within and for the county of Hampshire, at Northampton, on the first Monday in September, and on the third Monday in January.

Within and for the county of Hampden, at Springfield, on the second Monday in April, and on the second Monday in September.

Within and for the county of Franklin, at Greenfield, on the first Tuesday of March, on the third Tuesday of August, and on the third Tuesday of November.

Within and for the county of Berkshire, at Lenox, on the last Tuesday of April, and on the last Tuesday of September.

Within and for the county of Norfolk, at Dedham, on the third Monday of April, and on the fourth Monday of September.

F f f f

Times of
holding
courts.

Within and for the county of Plymouth, at Plymouth, on the third Tuesday of March, and on the first Tuesday of August.

Within and for the county of Bristol, at Taunton, on the fourth Wednesday of March, and on the fourth Wednesday of September.

Within and for the county of Barnstable, at Barnstable, on the last Tuesday of March, and on the third Tuesday of September.

Within and for the county of Dukes' County, at Edgarton, on the third Monday of May, and on the first Monday of November.

Within and for the county of Nantucket, at Nantucket, on the third Monday of April, and on the second Monday of October.

Within and for the county of York, at York, on the Tuesday next preceding the third Monday of April; and at Alfred, on the Tuesday next preceding the second Monday of September.

Within and for the county of Oxford, at Paris, on the third Tuesday of March, and on the first Tuesday of September.

Within and for the county of Cumberland, at Portland, on the fourth Tuesday of March, and on the first Tuesday of September.

Within and for the county of Kennebeck, at Augusta, on the last Tuesday of April, and on the first Tuesday of December.

Within and for the county of Somerset, at Norridge-wock, on the second Tuesday of March, and on the second Tuesday of September.

Within and for the county of Lincoln, at Wiscasset, on the third Monday of May; at Topsham, on the Monday next after the fourth Monday of August; and at Warren, on the third Monday of January.

Within and for the county of Hancock, at Castine, on the fourth Tuesday of March, on the fourth Tuesday of September, and on the third Tuesday of December.

Within and for the county of Washington, at Machias, on the second Tuesday of March, and on the second Tuesday of September, annually, in each, and all of the respective counties aforesaid.

SEC. 2. *Be it enacted*, That all petitions, complaints, motions, matters, things and process, of what nature or description soever, which may on the said first day of April next be pending in, or returnable to any Court of Sessions which would have been held, had not this act been passed, shall stand continued to, be entered at, have day in, and be proceeded upon, at the next term of the Court of Sessions which shall be holden in any county next after the said first day of April next.

SEC. 3. *Be it enacted*, That from and after the said first day of April next, all the laws heretofore made and passed, and now in force, determining the times, and places for holding the Courts of Sessions, within and for the several counties in this Commonwealth, so far only as respects the times and places of holding the same courts, be, and the same hereby are repealed.

[This act passed 29th *February*, 1812.]

CHAP. CLXX.

An Act to change the names of certain persons herein mentioned.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the date of passing this act, that William Andrews, the third son of John Andrews, of Boston, shall be allowed to take the name of William Barrell Andrews; that John Brown, of Boston, son of John Brown of Sterling, in the county of Worcester, shall be allowed to take the name of John George Brown; that Elijah Clark, son of Humphry Clark, shall be allowed to take the name of Elijah Pope Clark; that William Jarvis shall be allowed to take the name of William Charles Jarvis; that Obadiah Johnson shall be allowed to take the name of William Henry Johnson; that Susan Ann Lovell, daughter of James Lovell, shall be allowed to take the name of Ann Bethune Lovell; that William Machett shall be allowed to take the name of William P. Matchett; that John Marston shall be allowed to take the name of John Melcher Marston; that Henry

Names altered.

Names
altered.

Parkman, son of Samuel Parkman, shall be allowed to take the name of Samuel Parkman,—all of Boston in the county of Suffolk ; that John Buckminster, of Hamilton, shall be allowed to take the name of John Butler ; that Elisha Hogg, of Danvers, shall be allowed to take the name of Elisha Dana ; that Asa Fletcher, of Danvers, shall be allowed to take the name of William Asa Fletcher ; that Polly Smith, of Salem, shall be allowed to take the name of Mary Larkin Smith,—all of the county of Essex ; that Samuel Tubbs, of Pembroke, shall be allowed to take the name of Samuel Tubbs Angier ; that Calvin Dammon, of Scituate, shall be allowed to take the name of Calvin Damon Wilder,—all of the county of Plymouth ; that Abner Gifford, of Westport, shall be allowed to take the name of Abner Browner Gifford ; that Raiman Castino (alias Salisbury), and Abigail Castino (alias Salisbury), of Westport, shall be allowed to take the names of Raiman Castino, and Abigail Castino, only,—all of the county of Bristol ; that Baxter Olds, of Brookfield, shall be allowed to take the name of Baxter Olds Minot ; that Polycarp Putnam, of Sutton, shall be allowed to take the name of John Milton Putnam,—all of the county of Worcester ; that Richard Lyman, of Northampton, shall be allowed to take the name of William Cornelius Lyman ; that Chase Page Wedgwood Griffin, of Alfred, in the county of York, shall be allowed to take the name of Charles Griffin ; that John Kimbal, of Augusta, in the county of Kennebeck, shall be allowed to take the name of John Sawyer Kimball ; that Ebenezer M'Intosh, of Portland, in the county of Cumberland, shall be allowed to take the name of Henry P. M'Intosh ; that Moses Chase jun. of Newburyport, shall be allowed to take the name of Moses James Chase ; that Mosés Chase the third, of Newburyport, shall be allowed to take the name of Moses Bailey Chase ; that Benjamin Gould jun. of Newburyport, shall be allowed to take the name of Benjamin Aphrop Gould,—all of the county of Essex. And the said several persons, from and after the passing of this act, be called and known by the names which by this act they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper and legal names.

[This act passed 29th *February* 1812.]

CHAP. CLXXI.

An Act to confirm the proceedings of the Justices of the Courts of Sessions for the several Counties of Lincoln, Washington and Somerset.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the proceedings of the Justices of the Court of Sessions holden at Warren, within and for the county of Lincoln, on the third Monday of January last, be, and the same are hereby made valid in law, in as full and complete a manner as though a term of said court had been holden at Topsham, within and for said county, on the first Monday of September last, any thing in the law establishing said court to the contrary notwithstanding. Proceedings
of Court of
Sessions

SEC. 2. *Be it further enacted*, That the proceedings of the Justices of the Court of Sessions holden at Machias, within and for the county of Washington, on the twenty-fourth day of December last, so far as it relates to their passing upon the county treasurer's accounts and making an estimate for a county tax for said county, be, and the same are hereby made valid, any law to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That the proceedings of the Justices of the Court of Sessions holden at Norridgewock, within and for the county of Somerset, in the month of September last, and at the adjournments of said court, since that time, be, and the same are hereby made valid in law, any irregularity in the meeting or adjournment of said court by the Sheriff notwithstanding.

[This act passed 29th February, 1812.]

CHAP. CLXXII.

An Act to empower Solomon Towne to construct a Lock, and open a Canal, from Stiles' Pond in the town of Boxford, in the county of Essex, to the cotton factory of said Towne in Boxford.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Solomon Towne, of Salem, in the county of Essex, his heirs and assigns, be, and they are hereby authorized and empowered to construct a lock at the south end of Stiles' Pond in said Boxford, for the purpose of raising a head of waters in said pond, and to open a canal of convenient width and dimensions to conduct and draw off the waters of said pond, to the cotton mill or factory, belonging to said Towne, in said Boxford; and that said Towne, his heirs and assigns, shall have liberty to maintain said lock and keep open said canal, and to pass and repass to and from the same, for the purposes of keeping the same in repair and of heading the waters of said pond, and drawing the same at all times forever.

Persons em-
powered.

Damages
provided for.

SEC. 2. *And be it further enacted,* That if any person or persons, through whose lands the said canal shall pass, shall suffer any damage by means of the same, and the parties cannot agree upon the amount or value of the damages thus caused, nor upon some suitable person or persons to estimate the same, then and in such case, some disinterested person or persons shall, on petition therefor by the party claiming damage, be appointed by the Circuit Court of Common Pleas, holden within and for said county, after notice to the adverse party; and the determination and report of the referee or referees, so appointed, made in writing and returned by them to the next Circuit Court of Common Pleas for said county, shall be the measure of such damages; and the said court, if they see no sufficient reason to the contrary, shall render judgment thereon, and issue execution therefor. *Provided nevertheless,* That the said court, on application and request of either of the parties, shall issue a warrant to the

Sheriff of said county, or, in case he is interested, to some Coroner of the same county not interested, naming such Sheriff or Coroner, directing him to summon and impanel a jury of twelve good and lawful men, who shall be sworn to make a true and faithful appraisement of the damages sustained, and their verdict shall be returned by the officer to said court, and when there allowed and recorded, judgment shall be rendered thereon and execution issue accordingly.

[This act passed 29th *February*, 1812.]

CHAP. CLXXIII.

An Act in addition to an act, entitled, "An act for incorporating of certain persons for the purpose of making, laying and maintaining side booms in Androscoggin river.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the proprietors of side booms in Androscoggin river be authorized and empowered to extend side booms above the lower falls in Androscoggin, at any suitable place or places within the limits of Topsham and Brunswick. Proprietors authorized.

SEC. 2. *Be it further enacted,* That the said corporation shall be entitled to and receive of the respective owner or owners of logs and other lumber by them stopped in their side booms, above said falls, rafted and properly secured for the owner, the following respective fees, viz. for each mast, fifty cents; for each log or logs sufficient to make a thousand feet of boards, thirty cents; for each boom, fifty cents; for each bow-sprit, fifty cents; for each ton of oak timber, twenty-five cents; for each ton of pine timber, eighteen cents; for each hundred feet of ranging timber, twelve cents; for each thousand of staves, twelve cents; for each thousand of clapboards, twelve cents; and for any other kind of lumber in the same proportion. *Provided* Rate of fees. Proviso. nevertheless, That the fees aforesaid shall at all times be subject to the revision and alteration of the Legislature.

Court
authorized.

SEC. 3. *Be it further enacted*, That if any owner or owners of any interval or other lands in the towns of Brunswick or Topsham, shall receive damage by the laying and making any side booms, either above or below the lower falls in Androscoggin river, such person or persons so damaged may apply to the Circuit Court of Common Pleas to be holden for the county in which such damage may accrue, within one year next after such damage arises, which courts are hereby authorized and empowered by warrant under the seal of said court, to appoint three disinterested and discreet freeholders of the same county, to appraise the yearly damage done to the owner or owners of any lands, by making and laying of any side boom or booms within either of the towns aforesaid; and said commissioners, or a majority of them, shall make return of their doings to the next court to be holden for the same county, which being returned, allowed, and recorded, and judgment therein rendered, shall be a sufficient bar to any action to be brought for any damage by reason of the laying of said side boom or booms.

Commission-
ers to be
sworn.

SEC. 4. *And be it further enacted*, That the commissioners appointed as aforesaid, shall, before they proceed to appraise the damage as aforesaid, be sworn to the faithful discharge of their trust and give ten days notice at least to all persons known to be interested; and their result and judgment thereon shall be the yearly damage until the owner or occupant of such land, or the proprietors of the side booms aforesaid, shall, on a new complaint to the said court, in manner aforesaid, obtain an increase or decrease of said damage; and the party entitled to such yearly damage, on the non-payment thereof, annually, by said proprietors, whether he be party to the record, his heirs, executors, administrators, or assigns, may have an action of debt, grounded on such record, to recover the same; and the party prevailing in any complaint or action aforesaid shall be entitled to his full legal costs.

[This act passed 29th February, 1812.]

CHAP. CLXXIV.

An Act to incorporate the Christian Monitor Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That John Lathrop, Eliphalet Porter, John Prince, Thaddeus Mason Harris, John Bradford, Horace Holley, Samuel Carey, Jacob Flint, Henry Colman, James Morrill, Elisha Clap, and those who may associate with them, be, and they hereby are erected into a body corporate, by the name of The Christian Monitor Society, and by that name shall have all the rights of a corporation, during the pleasure of the Legislature.

Persons in-
corporated.

SEC. 2. *Be it further enacted,* That the said Christian Monitor Society, shall have power to choose such officers as said society may think necessary, for the well ordering of the affairs of said society, and to establish such rules, regulations, and by-laws, as may be necessary and proper for the admission of members, and carrying into effect the objects of their institution, provided the same be not repugnant to the constitution and laws of this Commonwealth.

Empowered
to choose
officers.

SEC. 3. *Be it further enacted,* That the said society shall never own or possess property to a greater amount than ten thousand dollars.

Limitation
of property.

SEC. 4. *Be it further enacted,* That the only power and authority hereby vested in said society, besides the power and authority herein before given, is to publish from time to time one or more volumes, containing original and selected tracts, information, and essays, on the nature and evidence of divine revelation, and the duties which it inculcates; and to manage and appropriate the funds which said society may possess, for the above mentioned purposes.

Authority
vested.

SEC. 5. *Be it further enacted,* That any Justice of the Peace, in the county of Suffolk, be, and he hereby is authorized to call a meeting of the members of the society, by notice in one or more newspapers printed in the town of Boston, on request of any two of the persons above named; and the persons who may convene, in virtue of such

Justice
authorized.

G g g g

notice, may proceed to organize said society, at that meeting, or at any adjournment of that meeting.

[This act passed 29th February, 1812.]

CHAP. CLXXV.

An Act in further addition to an act, entitled, "An act to regulate the catching of salmon, shad, and alewives, and to prevent obstructions in Merrimack river, and in the other rivers and streams running into the same, within this Commonwealth, and for repealing several acts heretofore made for that purpose."

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That any person who shall be convicted of catching any salmon, shad, or alewives in Merrimack river, or any river or stream centering to, or running into the same, or shall drag any seine or drag-net, or set any net or pot, or use any other machine for the purpose of catching any of the said fish in the said rivers or streams, within this Commonwealth; at any time or place other than is allowed by the act to which this is in addition, shall forfeit and pay, for each offence, a fine not less than seven dollars, nor more than thirty dollars, at the discretion of the court before which trial shall be had, according to the aggravation of the offence, any thing in the act to which this is in addition to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That from and after the passing of this act, every town in this Commonwealth, bordering on Merrimack river, and in which there are any ponds, rivers, or streams, centering to, or emptying themselves into Merrimack river, where salmon, shad, or alewives do or would (if not obstructed) go up to cast their spawn, shall, at their annual meeting in the month of March or April annually, choose by ballot, at least six suitable and fit persons as fish-wardens, any law or usage to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That if any person shall be found in any way aiding or assisting in unlawfully fishing, on conviction thereof he shall be adjudged guilty of

Penalty for
taking fish
contrary to
law.

fish-ward.
e be
sen.

a breach of the act to which this is in addition, and shall forfeit and pay the same fine as is provided in this act for actually fishing on unlawful days. Penalty for breach of act

SEC. 4. *And be it further enacted*, That the powers given to fish-wardens, in the act to which this is in addition, shall be transferred to the Selectmen of the several towns, where this law can operate or have force, so far as relates to the opening and preventing obstructions in or across the said Merrimack river, or any of the rivers or streams running into the same; and it shall be the duty of the Selectmen of the three nearest or next adjoining towns, where any obstructions are or may be formed in or across said rivers or streams, or the major part of such Selectmen, to remove or cause to be removed, after twenty-four hours notice given to the owner, builder, or occupier, all obstructions to a free and suitable passage of said fish up and down the said rivers and streams: and if the owner, builder, or occupier of any dam or other obstruction shall refuse or neglect, for the space of twenty-four hours after notice given as aforesaid, to remove such dam or obstruction, or such part thereof as the Selectmen shall direct, the Selectmen shall cause the same to be removed at the expense of the owner, builder, or occupier thereof. Duty of Selectmen.

SEC. 5. *And be it further enacted*, That all fines and forfeitures incurred by any breach of this act, or the act to which this is in addition, and not exceeding ten dollars, shall inure wholly to the fish-warden complaining; and all fish found, taken on unlawful days, shall be the property of the fish-warden finding them. Fines, forfeitures, &c.

[This act passed 29th February, 1812.]

CHAP. CLXXVI.

An Act establishing an Academy in the town of New Bedford, in the county of Bristol, by the name of Friends' Academy.

WHEREAS the encouragement of literature in the rising generation, has been considered by the wise and good, as a basis upon which the safety and happiness of a free people greatly depend. And whereas Preamble.

William Rotch has built a convenient house for an academy in New Bedford, in the county of Bristol, for that purpose, and he and his associates have subscribed upwards of ten thousand dollars, for a fund thereto, and have petitioned this court for an act of incorporation.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of New Bedford, in the county of Bristol, an academy, by the name of Friends' Academy; for the purpose of promoting piety and virtue, and for the education of youth, in such languages and in such liberal arts and sciences as the trustees hereafter provided shall order and direct.

Academy incorporated.

Trustees appointed.

SEC. 2. *And be it further enacted,* That William Rotch, Elisha Thornton, Thomas Arnold, Samuel Elam, Samuel Rodman, William Rotch jun. William Dean, Abraham Shearman jun. and James Arnold, be, and they are hereby appointed trustees of said academy, and they are hereby incorporated into a body politic, by the name of The Trustees of Friends' Academy; and they, and their successors shall be and continue a body politic and corporate by the same name forever.

Seal of office.

SEC. 3. *And be it further enacted,* That the said trustees, and their successors, shall have one common seal, which they may break, change and renew, from time to time, as they shall see fit; and they may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution; by the name of The Trustees of Friends' Academy, and may appoint an agent or agents to prosecute or defend such suit or suits.

Empowered to elect officers.

SEC. 4. *And be it further enacted,* That the said William Rotch and others, the trustees aforesaid, and their successors, be, and they are hereby made the visitors, trustees, and governors of the said academy in perpetual succession forever; to be continued in the way and manner hereinafter specified, with full power and authority to elect such officers of the said academy as they shall judge necessary and convenient; and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said academy as to them shall seem fit and requisite.

SEC. 5. *And be it further enacted*, That the number of the trustees aforesaid shall not at any time be more than fifteen nor less than nine, four of whom, at least, shall be necessary to constitute a quorum for transacting business. Number limited.

SEC. 6. *And be it further enacted*, That whenever one or more of the trustees aforesaid shall die or resign, or in the judgment of the major part of the trustees shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or disqualified by any rule or order they may have established; the trustees then surviving may elect one or more persons to fill the vacancy or vacancies. Vacancies supplied.

SEC. 7. *And be it further enacted*, That the trustees aforesaid, and their successors, be, and they are hereby rendered capable in law, to take and hold, by gift or grant, devise, bequest, or otherwise; any land, tenements, or other estate, real or personal, which have heretofore been given, or subscribed, or which may hereafter be given or subscribed, for the purpose aforesaid. *Provided*, The annual income of said real and personal estate shall not exceed the sum of ten thousand dollars; and all deeds and instruments which the said trustees may lawfully make, shall be sealed with their seal, and bind the trustees and their successors, and be valid in law. Proviso.

SEC. 8. *And be it further enacted*, That Samuel Rodman be, and hereby is authorized and empowered, to appoint the time and place for holding the first meeting of said trustees, and notify them thereof. First meeting.

[This act passed 29th February, 1812.]

CHAP. CLXXVII.

An Act appropriating certain fines for the repairing of Highways and Bridges.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all fines which shall hereafter be imposed by the Supreme Judicial Court, or by the Circuit Court of Common Pleas, within this Commonwealth; on any town, for any neglect in making or repairing any highways or bridges within the same, shall be appro- Appropriation of fines.

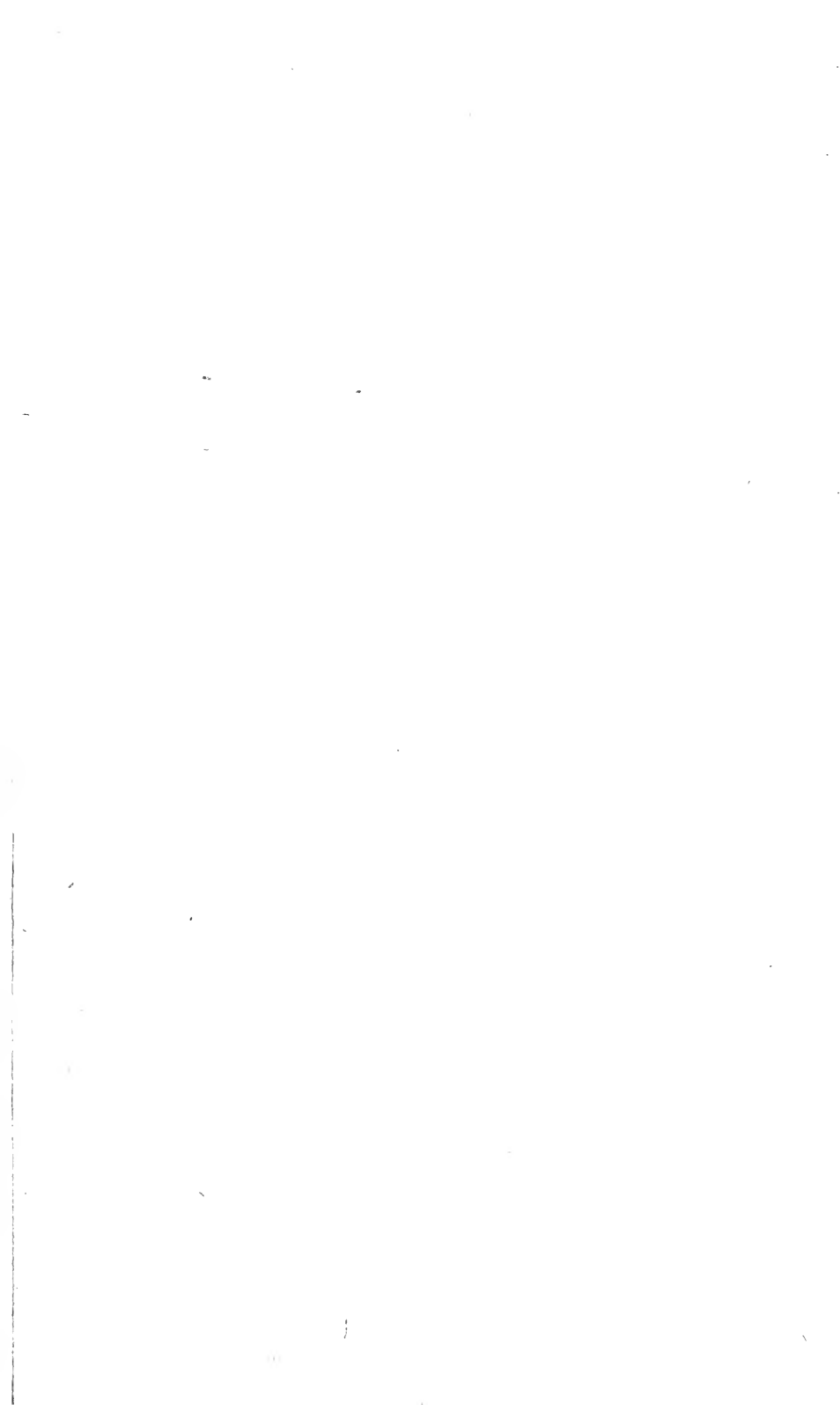
priated and disposed of for the making and repairing the highways and bridges so defective as aforesaid.

Collectors to
be appoint-
ed.

SEC. 2. *And be it further enacted,* That the Justices of the Supreme Judicial Court, or of the Circuit Court of Common Pleas, shall at the session; when any such fine shall be imposed as aforesaid, appoint one or more person or persons to superintend the collection and appropriation of the same for the purposes aforesaid; whose duty it shall be to attend to the collection of such fine, and the appropriation thereof in manner aforesaid; and shall make return of his or their doings therein to the court that may have imposed said fine, whenever thereto by them required.

[This act passed 29th *February*, 1812.]

END OF JANUARY SESSION, 1812.



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